

STATEMENT UNDER OATH

OF

CARL LEE CRUMRINE

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. Bankruptcy
Courthouse, 324 West Main Street,
Clarksburg, West Virginia, on
Thursday, February 16, 2006, at 11:30
a.m.

Any reproduction of this transcript
is prohibited without authorization
by the certifying agency.

1 A P P E A R A N C E S

2

3 DENNIS J. SWENTOSKY

4 Supv. MS&H Specialist (Ventilation)

5 U.S. Department of Labor

6 Mine Safety & Health Administration

7 CMS&H, District 2

8 Paintersville Road

9 R.R. #1, Box 736

10 Hunker, PA 15639

11

12 JOHN COLLINS

13 West Virginia Miners' Health, Safety
14 & Training

15 One South Tenney Drive

16 Buckhannon, WV 26201

17

18 MELANIE J. KILPATRICK, ESQUIRE

19 Rajkovich, Williams, Kilpatrick &

20 True, PLLC

21 2333 Alumni Park Plaza

22 Suite 310

23 Lexington, KY 40517

24 COUNSEL FOR MR. TRIPLETT

25

A P P E A R A N C E S (continued)

DAVE STUART

1507 Stonehenge Road

Charleston, WV 25214

JAMES BROOKS CRAWFORD, ESQUIRE

Senior Trial Attorney

Mine Safety and Health Division

U.S. Department of Labor

Office of the Solicitor

1100 Wilson Boulevard

Suite 2231

Arlington, VA 22209-2296

JOHN UROSEK

Chief, Ventilation Division

Pittsburgh Safety and Health

Technology Center

MSHA

P.O. Box 18233

Cochrans Mill Road, Building 038

Pittsburgh, PA 15236

I N D E X

INTRODUCTION	6 - 17
WITNESS: CARL LEE CRUMRINE	
QUESTIONS	
By Mr. Swentosky	17 - 115
By Mr. Collins	115 - 124
By Mr. Swentosky	124 - 126
By Mr. Urosek	127 - 185
By Mr. Swentosky	186 - 199
By Mr. Collins	199 - 202
By Mr. Swentosky	202 - 206
CERTIFICATE	207

EXHIBIT PAGE

PAGE

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>
One	Series of fan charts	61
Two	Diagram/plan of	
	Omega Block Building	66
Three	Picture of marks on	
	mine roof	110
Four	Map of seal placement	186

P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety and Health Administration of the United States Department of Labor. With me is James B. Crawford, from the Solicitor's Office, John Collins and Dave Stuart with the West Virginia Office of Miners' Health, Safety and Training.

I've been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January 2nd, 2006 in which 12 miners died and one was injured. The investigation is being conducted by MSHA and the West Virginia Office of Miners' Health, Safety & Training to

1 gather information to
2 determine the cause of the
3 accident. And these
4 interviews are an important
5 part of that investigation.

6 At this time, the
7 accident investigation team
8 intends to interview a number
9 of people to discuss anything
10 that may be relevant to the
11 cause of the accident. After
12 the investigation is
13 completed, MSHA will issue a
14 written report detailing the
15 nature and the causes of the
16 accident. MSHA accident
17 reports are made available to
18 the public in a hope that a
19 greater awareness about the
20 causes of accidents can reduce
21 their occurrence in the
22 future. Information obtained
23 through witness interviews is
24 frequently included in these
25 reports. Your statement may

1 also be used in other
2 enforcement proceedings.

3 I would like to thank
4 you in advance for your
5 appearance here today. We
6 appreciate your assistance in
7 this investigation. The
8 willingness of miners and mine
9 operators to work with us is
10 critical to our goal to make
11 the nation's mines safer. We
12 understand the difficulty for
13 you in discussing the events
14 that took place and we greatly
15 appreciate your efforts to
16 help us understand what
17 happened.

18 This interview with Mr.
19 Carl Crumrine is being
20 conducted under Section 103(a)
21 of the Federal Mine, Safety
22 and Health Act of 1977 as part
23 of an investigation by the
24 Mine Safety and Health
25 Administration and the West

1 Virginia Office of Miners'
2 Health, Safety & Training into
3 the conditions and events and
4 circumstances surrounding the
5 fatalities that occurred at
6 the Sago Mine operated by the
7 International Coal Group in
8 Buckhannon, West Virginia on
9 January 2nd, 2006. This
10 interview is being conducted
11 at the U.S. Bankruptcy
12 Courthouse in Clarksburg, West
13 Virginia on February 16th,
14 2006.

15 Questioning will be
16 conducted by representatives
17 of MSHA and the Office of
18 Miners' Health, Safety &
19 Training. This is not an
20 adversarial proceeding,
21 therefore Cross Examination
22 would not be permitted.

23 Mr. Crumrine, the
24 interview will begin with my
25 asking you a series of

1 questions. If you do not
2 understand a question, please
3 ask me to rephrase it. Feel
4 free at any time to clarify
5 any statements that you make
6 in response to the questions.
7 After we have finished asking
8 questions, you will also have
9 an opportunity to make a
10 statement and to provide us
11 with any other information
12 that you believe may be
13 important.

14 If at any time after
15 the interview, you recall any
16 additional information that
17 you believe may be useful in
18 the investigation, please
19 contact Richard Gates at the
20 phone number and e-mail
21 address provided to you. And
22 this is the business card, Mr.
23 Crumrine, from Mr. Gates.

24 Your statement is
25 completely voluntary. You may

1 refuse to answer any question
2 and you may terminate this
3 interview at any time. If you
4 need a break at any time, just
5 please let me know.

6 The court reporter will
7 record your interview and will
8 later produce a written
9 transcript of the interview.
10 Please try to respond to all
11 questions verbally since the
12 court reporter cannot record
13 non-verbal responses. Also
14 please try to keep your voice
15 up. Copies of the written
16 transcripts will be available
17 at a later time.

18 If any part of your
19 statement is based not on your
20 own first-hand knowledge, but
21 the information that you
22 learned from someone else,
23 please let me know. Please
24 answer each question as fully
25 as you can, including any

1 information that you have
2 learned from someone else. We
3 may not ask the right
4 questions to learn the
5 information that you have, so
6 do not feel limited by the
7 precise questions that I ask.
8 If you have information about
9 the subject area of the
10 question, please provide us
11 with that information.

12 At this time, Mr.
13 Collins, do you have anything
14 that you would like to add on
15 behalf of the Office of
16 Miners' Health, Safety &
17 Training?

18 MR. COLLINS:

19 Yes. Mr. Crumrine, the
20 West Virginia Office of
21 Miners' Health, Safety &
22 Training is conducting this
23 interview session in
24 conjunction with MSHA and
25 agree with the agreement with

1 the procedures that they've
2 outlined. But the Director
3 reserves the right, if
4 necessary, to call or subpoena
5 witnesses or require the
6 production of any record,
7 documents, photographs or
8 other relevant information
9 necessary to conduct this
10 investigation. And also,
11 here's a card, if you'd have
12 additional questions or wish
13 to provide additional
14 information.

15 MR. CRUMRINE:

16 Okay.

17 MR. COLLINS:

18 Thank you, Mr.

19 Crumrine.

20 MR. SWENTOSKY:

21 Mr. Crumrine, are you
22 aware that you may have a
23 personal representative
24 present during the taking of
25 this statement?

1 MR. CRUMRINE:

2 Yes.

3 MR. SWENTOSKY:

4 Do you have a
5 representative present here
6 with you today?

7 MR. CRUMRINE:

8 Yes, I do.

9 MR. SWENTOSKY:

10 And that person?

11 ATTORNEY KILPATRICK:

12 Melanie Kilpatrick.

13 MR. SWENTOSKY:

14 Has anyone suggested to
15 you that you use this
16 representative?

17 MR. CRUMRINE:

18 No, I felt that I
19 needed it.

20 MR. SWENTOSKY:

21 Are you aware that your
22 representative may have a
23 conflict of interest in
24 representing you while being
25 provided by someone else, such

1 as the company?

2 MR. CRUMRINE:

3 Yes, I am.

4 MR. SWENTOSKY:

5 Have you been pressured
6 in any way to accept this
7 person as your representative?

8 MR. CRUMRINE:

9 Absolutely not.

10 MR. SWENTOSKY:

11 With this
12 understanding, do you still
13 want this person to be your
14 representative?

15 MR. CRUMRINE:

16 Yes, I do.

17 MR. SWENTOSKY:

18 Do you have any
19 questions regarding the manner
20 in which the interview will be
21 conducted before we get
22 started?

23 MR. CRUMRINE:

24 No, I don't.

25 MR. STUART:

1 May I inquire?

2 MR. SWENTOSKY:

3 Sure.

4 MR. STUART:

5 Mr. Crumrine, is it
6 your understanding that Ms.
7 Kilpatrick and her firm are
8 here today representing your
9 personal interest?

10 MR. CRUMRINE:

11 They're here
12 representing me personally and
13 nobody else.

14 MR. STUART:

15 Very good. And you
16 anticipated my next question,
17 didn't you?

18 MR. CRUMRINE:

19 Yes.

20 MR. STUART:

21 And that is, is it your
22 understanding that she and her
23 law firm do not have any
24 representational interest with
25 respect to say, for example,

1 your employer or some other
2 entity interested in these
3 proceedings?

4 MR. CRUMRINE:

5 Right. Any conflict of
6 interest she had with --- or
7 any dealings she had had
8 nothing to do with Sago or
9 anything else.

10 MR. STUART:

11 Thank you very much.

12 MR. SWENTOSKY:

13 Can you swear in Mr.
14 Crumrine, please?

15 -----
16 CARL LEE CRUMRINE, HAVING BEEN FIRST
17 DULY SWORN, TESTIFIED AS FOLLOWS:

18 -----
19 BY MR. SWENTOSKY:

20 Q. Mr. Crumrine, could you please
21 state your full name and spell your
22 last name for us, please?

23 A. Carl Lee Crumrine,
24 C-R-U-M-R-I-N-E.

25 Q. Could you please provide us

1 with your address and your telephone
2 number, please?

3 A. Route 6, Box 630, Buckhannon,
4 West Virginia, 26201. 1-304-472-
5 1349.

6 Q. Are you appearing here today
7 voluntarily?

8 A. Yes.

9 Q. How many years of mining
10 experience do you have?

11 A. Thirty-four (34).

12 Q. Now, can you give us a brief
13 description of your employment
14 history through the years?

15 A. When I got out of college, I
16 was six months at Consol. Then I
17 went to Upshur Coal Corporation. I
18 was at Upshur Coal until '86, when
19 they shut down. I was out of a job
20 for about six months. And then I
21 went to work at the old Kitt mines,
22 which is operated by Black Diamond,
23 as well as I remember was the name of
24 that. But that was --- the Philippi
25 mines, the Sentinel mine. And I

1 worked there 'til I believe it was
2 '98 whenever they opened up Spruce
3 One. I went to Spruce One 'til 2000.

4 In 2000, I went to Consol for
5 two weeks. The drive was too tough
6 for me, so I came back and went to
7 work at --- well, I went to work back
8 at Sago --- not Sago, but Spruce.
9 And from Spruce, about a week later
10 they sent me for a shift foreman's
11 job at Philippi. I worked at
12 Philippi until Jimmy Ryan's bunch
13 came in and took over, and then I
14 worked for Jimmy 'til 2003.

15 And I worked a little bit at
16 Philippi, about three months. About
17 three months at the Whitetail Mine. I
18 went back down with Jimmy Ryan down
19 at --- for nine or ten months down at
20 Slaughter's Creek. Just at Chelyan
21 just between Beckley and Charleston,
22 and then back to Spruce and then over
23 to Sago.

24 Q. You've been around.

25 A. Yeah. Yeah, especially in the

1 last couple --- three years.

2 Q. And how much time have you
3 spent at the Sago Mine?

4 A. I went to work officially at
5 the Sago Mine underground on March
6 17th. I did, however, dispatch for
7 them for about three months while I
8 was healing up from an operation,
9 where I had a disc replaced.

10 Q. Okay. When you say March
11 17th, is that 2005?

12 A. Yes.

13 Q. So that was your ---

14 A. That was my start date.

15 Q. --- start date for Sago Mine?

16 A. Yes. Yes, sir.

17 Q. Okay. And what is your
18 present position?

19 A. I am the mine foreman at the
20 Sago Mine.

21 Q. Okay. And how long have you
22 held that position?

23 A. Since the first part of June,
24 as well as I remember. I was
25 promoted to that position from shift

1 foreman's position.

2 Q. When you started on March
3 17th, then you started as a ---

4 A. Shift foreman.

5 Q. --- shift foreman?

6 A. Yeah. I had transferred from
7 Spruce.

8 Q. And did you hold the same
9 position on January 2nd, 2006, the
10 day of the accident?

11 A. Yes, sir.

12 Q. What other positions have you
13 held --- well, you already answered
14 that, shift foreman and mine foreman.

15 A. Basically, shift foreman and
16 mine foreman and section foreman.

17 Q. Okay. Thank you. Would you
18 please describe your normal duties on
19 the day of the accident?

20 A. I was off that day.

21 Q. You were off on the day of the
22 accident?

23 A. Yes. I did --- however, they
24 called me at home. They got ahold of
25 me at approximately --- somewhere

1 around 7:45 and I rushed to the
2 mines.

3 Q. Do you have any mining
4 certifications? Which I know you do,
5 but could you describe what mining
6 certifications you have?

7 A. I have a shop fireman's, a
8 foreman's certificate, dust sampling
9 card, of course a West Virginia
10 miner's card. There's probably
11 another one, too, I hold, but I don't
12 remember right now.

13 Q. Okay. Are these all in the
14 State of West Virginia?

15 A. Yes.

16 Q. Do you have any other
17 certifications in other states?

18 A. No. I don't have any
19 certifications at all in any other
20 states.

21 Q. In your capacity as the mine
22 foreman, do you sign or countersign
23 any mine record books?

24 A. All of them.

25 Q. All of them. And what books

1 are those?

2 A. It would be the fan book, the
3 airways book, the smokers' articles
4 book, all of the section books, the
5 weekly examination of hazardous
6 places, you know, like the returns,
7 the intakes. That would have been
8 the airways. I think that pretty
9 well covers it.

10 Q. Okay. Who is your immediate
11 supervisor?

12 A. Jeff Toler, the
13 superintendent.

14 Q. And how long has he been your
15 supervisor?

16 A. I think he came in it was
17 either late July or early August, as
18 far as I remember.

19 Q. And who was your supervisor
20 prior to that?

21 A. Johnny Stemple.

22 Q. And his position was?

23 A. He was superintendent at Sago.

24 Q. Was he superintendent whenever
25 you started in March?

1 A. No. When I started in March,
2 as well as I remember, let me see who
3 was the superintendent then. I
4 believe it was Johnny --- Johnny
5 Garrett was superintendent then. And
6 the mine foreman was Bill Kerns.

7 Q. Okay. And where is Mr.
8 Toler's office located?

9 A. Just across --- down the hall
10 from where I am.

11 Q. Okay. That's in the
12 bathhouse?

13 A. Right.

14 Q. And I realize that you were
15 not scheduled to work ---

16 A. Right.

17 Q. --- on the day of the
18 accident, but you did --- were
19 called.

20 A. Yes. I got up there as quick
21 as I could.

22 Q. Okay. Could you start at the
23 time --- well, just start whenever
24 you received the call and kind of go
25 through the day and tell me what all

1 occurred when you arrived and what
2 was done and what your participation
3 was in the day until the time you
4 actually left the property. And I'll
5 try not to interrupt you. And you
6 just kind of go through it and then
7 well, after that, kind of back up and
8 kind of fill in the gaps, if you
9 would, please.

10 A. Okay. My granddaughter
11 brought the phone to me and said that
12 the mines had called. So I knew
13 something had to have happened. And
14 I called the mine. They said that
15 they had had something happen. They
16 thought that they had had an
17 explosion. And I said, you couldn't
18 be talking explosion, you must be
19 saying a roof fall. And they said,
20 no, an explosion.

21 And so I threw my clothes on
22 and went out. Just as soon as I got
23 there, as well as I remember, Jeff
24 called and said, we've had an
25 explosion, how about getting your

1 stuff on and checking the
2 ventilation. We don't have as much
3 air up here where we are as what we
4 should have.

5 So I put my stuff on and was
6 starting out the door and Mr. Collins
7 came in, John, and said, you know,
8 what's happened. And I explained to
9 him what --- I didn't know, that
10 something had blown up. We had some
11 men we hadn't talked to. That was
12 the Second Left crew.

13 And I got --- I told him what
14 I wanted to do was go inside and just
15 check ventilation. He said, no, I
16 have a control --- I'm issuing a
17 control order, Carl. And, you know,
18 don't go in the mines because
19 anything you do might hurt the people
20 that are up there rather than help
21 them. So I did not go in.

22 And it all becomes kind of a
23 blur after that. John was there.
24 And then MSHA showed up. And of
25 course they issued a K ---. I think

1 they issued a K Order on the phone,
2 but they issued it to my --- as well
3 as I remember, they issued it to the
4 person taking the call. I'm not sure
5 who that was. And just, you know,
6 people --- you know, we were calling
7 everybody we could think of to call,
8 the rescue teams, the Barbour County
9 Rescue Team. And it just kind of
10 becomes a blur after that. It was a
11 blur for about three days for us.
12 You know, I wouldn't leave until they
13 got them outside.

14 I don't know ---. If you need
15 any more details than that, you're
16 almost going to have to coach me into
17 a detail.

18 Q. Okay. We can do that.

19 A. Okay. I appreciate that.

20 Q. Okay. You had mentioned that
21 you were at home and you had received
22 a call ---

23 A. Uh-huh (yes).

24 Q. --- from the mine. And who
25 was that from?

1 A. That was from the dispatcher.

2 Q. And who would that have been?

3 A. That would have been Bill
4 Chisolm.

5 Q. Bill Chisolm. And what did he
6 tell you?

7 A. He said, Carl, something bad
8 has happened up here. We think
9 there's an explosion. This may not
10 be verbatim, but we had an explosion.
11 And then of course I asked him about
12 the roof fall. I said, you must mean
13 roof fall. Surely you don't mean an
14 explosion. And he said, no, I mean
15 an explosion. So I just put my stuff
16 on and went to work.

17 Q. Okay. And that's the only
18 person you talked to on the phone?

19 A. That's the only person I
20 talked to.

21 Q. Then do you recall what time
22 you got to the mine? Or let me ask
23 you this, what time did you receive
24 that initial call from Mr. Chisolm?

25 A. I don't know what time the

1 caller ID said. I didn't look. And
2 it had been erased by the time I got
3 home.

4 Q. Okay.

5 A. As well as I remember, John,
6 you got there at --- well, I was
7 there five minutes before John, ten
8 minutes, no more.

9 Q. Okay. Do you recall what time
10 you got to the mine?

11 A. No. I don't. I'm guessing it
12 was right around 8:00. It was in the
13 vicinity of eight o'clock, give or
14 take 15 or 20 minutes.

15 Q. When you arrived at the mine,
16 were you able to get in the gate?
17 Had there been a guard or
18 anything ---

19 A. No.

20 Q. --- started at that time?

21 A. No, there had not been.

22 Q. And who was the first person
23 you spoke to when you got to the
24 mine?

25 A. I think it was my dispatcher.

1 I think he came over and talked to
2 me, but I honestly can't --- I
3 honestly don't remember.

4 Q. When you got there --- got to
5 the mine, where did you go?

6 A. I went right straight to my
7 office, because that's where my belt
8 and everything is. Here's my office,
9 Jeff's office and the bathroom in the
10 middle.

11 Q. Okay.

12 A. And I grabbed my stuff and put
13 it on. And as well as I remember,
14 Jeff called out then. I went to the
15 phone.

16 Q. So you arrived at the mine,
17 you went in the bathhouse, put your
18 gear on.

19 A. Right.

20 Q. And you had not talked to
21 anyone since --- or during that
22 period?

23 A. I can't remember. I can't
24 remember whether somebody come in and
25 talked to me right then or not. I

1 didn't check in. I come in a back
2 door, so I could have come in there
3 without anybody seeing or even had an
4 idea that I was there.

5 Q. Okay. Then you had --- I
6 think you did say that the first
7 person that you think that you spoke
8 to was Mr. Chisolm?

9 A. Yes, I believe he came over
10 and talked to me.

11 Q. To your office?

12 A. I believe so. I could be
13 wrong there.

14 Q. Okay. And what did he tell
15 you at that time?

16 A. He just reiterated that we
17 think we've had an explosion, you
18 know, and I've called ---. And I
19 said, who have you called? And he
20 said, well, you know, I called Johnny
21 and ---.

22 Q. Johnny?

23 A. Johnny Stemple.

24 Q. Stemple.

25 A. And that everything's being

1 ---. Is everybody --- I said, is
2 everybody being notified? And, yes,
3 everybody's being notified. And then
4 I believe Jeff called.

5 Q. Jeff?

6 A. Jeff Toler.

7 Q. Toler?

8 A. Yeah, on the mine phone.

9 Q. On the mine phone?

10 A. Yeah. He called to talk to
11 Bill or something and I recognized
12 his voice.

13 Q. And Bill, you mean, Mr.
14 Chisolm?

15 A. Yes.

16 Q. Did you speak to Jeff at all?

17 A. Yes, I did. I spoke to Jeff.

18 Q. Okay. Did you speak to him
19 before or after Mr. Chisolm or ---?

20 A. As well as I remember, it was
21 --- I talked to him after Mr.
22 Chisolm.

23 Q. Okay. Well, let's start with
24 Mr. Chisolm then. Do you know what
25 conversation took place between Mr.

1 Toler and Mr. Chisolm?

2 A. No. When I got on there and I
3 interrupted.

4 Q. While he was on ---? Okay.
5 Then you spoke to Mr. Toler?

6 A. I think Bill came over, okay,
7 and talked to me here at the office.
8 And then I don't remember whether he
9 went back and I was going ahead and
10 putting my belt and stuff on. And,
11 you know, the phone call come in from
12 Jeff.

13 Q. Okay. Then with Mr. Chisolm
14 on the phone, then you were
15 mentioning that you interrupted ---?

16 A. Yeah, I think I interrupted
17 him or ---.

18 Q. Okay. So you were on a
19 different phone?

20 A. Yeah. If he was still over
21 there. And I don't remember whether
22 he was in the trailer or whether he
23 was in the foreman's office that they
24 fill out the reports in, ---

25 Q. Okay.

1 A. --- I interrupted him on my
2 phone.

3 Q. So you were listening, to some
4 extent, to that conversation?

5 A. No. I wasn't listening to it,
6 I just heard him talking to him and
7 picked the phone up and said, Jeff.

8 Q. Okay. So you're --- okay.
9 Can you relate that conversation to
10 me, please?

11 A. Yeah. That conversation went
12 --- I can pretty much remember that.
13 He said, Carl, we've had some trouble
14 here. We think we've had an
15 explosion or a fire or something of
16 some kind. We don't have as much air
17 up here as we should have. But how
18 about checking the ventilation ---
19 how about walking the intake in and
20 checking the ventilation.

21 Q. Do you know where he was ---
22 Mr. Toler was at that time when he
23 was speaking to you?

24 A. I think he said he was around
25 One Left switch, somewhere around One

1 Left switch when I talked to him.

2 That's what I remember.

3 Q. The One Left switch?

4 A. Yeah, somewhere around One
5 Left switch or just --- somewhere
6 between 42 ---. There was a phone at
7 42 or 43 block and there was another
8 phone up at One Left switch. And he
9 was on one of those two phones. And
10 I was --- I'm thinking he said he was
11 at One Left switch when I talked to
12 him.

13 Q. Okay. And what block is One
14 Left switch on?

15 A. It would have been about 48.

16 Q. Forty-eight (48). And there's
17 a phone right there?

18 A. Yeah. There is a phone at 42
19 and --- at that time. And there was
20 a phone at 48.

21 Q. Okay. So there were two
22 phones. And you mentioned that he
23 said that he did not have as much air
24 up there as he thought he had?

25 A. Yeah. He didn't have as much

1 volume as he thought he had. And he
2 thought he had a stopping blowed out
3 behind him, would I check the
4 ventilation into Two Right.

5 Q. Then how did --- did he relate
6 to you how he knew that? Did he give
7 you any reason?

8 A. Just by feeling. Just by
9 feeling. He said, I don't have the
10 velocity I should have. If you were
11 in this intake, you would feel the
12 velocity. You would know the
13 difference between --- you know, how
14 it is?

15 Q. Yes.

16 A. You've been there.

17 Q. Go ahead and relate to me more
18 of that conversation.

19 A. That was it, as far as that
20 conversation goes. I said, okay, I'm
21 on my way.

22 Q. Okay.

23 A. And I walked out of the office
24 and there was John.

25 Q. So then you met Mr. Collins.

1 Mr. Collins is the state inspector, I
2 believe? You're talking about ---

3 A. Yes.

4 Q. --- John Collins, the state
5 inspector?

6 A. Yes. Exactly.

7 Q. All right. Then what
8 happened?

9 A. He asked what had happened. I
10 told him what I knew about it. I
11 told him I thought we had had an
12 explosion or a fire. And he said,
13 well, Carl, I'm issuing a control
14 order. And he always goes through,
15 this is not a --- not necessarily one
16 that will be assessed. And, you
17 know, he said, don't go in the mines.
18 He said, anything you do might hurt
19 these guys, not help them.

20 Q. Okay. Then what did you do?

21 A. Well, I'm basically, you know,
22 just an outside guy now waiting for a
23 call from Jeff. I tried to call
24 Jeff. I called inside --- I tried
25 calling him. I couldn't contact him.

1 Q. Then you tried the ---?

2 A. Yeah. After he --- I didn't
3 want Jeff to think I was not on my
4 way, because I told him I would be on
5 my way. So I tried to call him and
6 was not able to get ahold of him.

7 Q. And you used the mine pager
8 phone for that?

9 A. Yes.

10 Q. Who else was in the mine at
11 that time, do you know?

12 A. I believe --- and I don't
13 remember --- I think Flea told me
14 this. Flea being Bill Chisolm.

15 Q. Yes.

16 A. That Dick Wilfong was in the
17 mines, Vern Hofer was in the mines,
18 Jeff was in the mines, Al Schoonover,
19 and Owie Jones, Owen Jones. They
20 were the five that was in the mines.
21 I don't think it was anybody else.

22 Q. Okay. Had the One Left crew
23 --- the One Left crew already exited
24 the mine?

25 A. I am not absolutely sure on

1 that. They were either just coming
2 up the hill whenever I got there or
3 --- you know, when I got to the mine
4 site, or just after I saw John they
5 were coming up the hill. I don't
6 remember.

7 Q. So then ---?

8 A. They were there just right
9 about that time.

10 Q. Okay.

11 A. I believe that they were
12 outside.

13 Q. When you were trying to get in
14 contact with Mr. Toler, to let him
15 know that you were not going
16 underground, the One Left crew had
17 already ---

18 A. I believe they had already
19 exited.

20 Q. --- been outside the mine? Do
21 you know approximately what time that
22 might have been?

23 A. I think they told me they got
24 out around 7:20, so they should have
25 been out by the time I was there.

1 But as I told you, I went in a back
2 door.

3 Q. Sure.

4 A. And I don't necessarily see
5 those guys.

6 Q. But you had mentioned, like
7 they had --- someone told you ---.
8 Did you look at your watch? I mean,
9 do you know from your own personal
10 knowledge what time that would have
11 been, I guess is my question?

12 A. No, somebody told me that it
13 was 7:20 that they got outside, or
14 they were making phone calls around
15 7:20. That came in a conversation
16 probably an hour or two after that.
17 Someone told me and I do not remember
18 who.

19 Q. Just tell me what happened
20 then after that. You tried to get
21 ahold of Mr. Toler and you were ---
22 were you unsuccessful in that
23 attempt?

24 A. I was unsuccessful.

25 Q. Okay.

1 A. I tried. I think John told me
2 to try every five minutes.

3 Q. John meaning?

4 A. John Collins. He said, you
5 know, I need to talk to those guys,
6 start calling. So I put somebody in
7 charge of calling every five minutes.

8 Q. You were trying to get ahold
9 of Mr. Toler?

10 A. Trying to get ahold of Mr.
11 Toler.

12 Q. And who might that have been?

13 A. I think it was Bill Chisolm,
14 but ---. I may have told somebody
15 else but I don't remember who.

16 Q. And after you --- then what
17 did you do next?

18 A. I don't remember. I really
19 don't.

20 Q. Did you happen to send anyone
21 to the pit to take any kind of CO
22 readings or methane readings, or did
23 you make any other assignments? I'm
24 just trying to prompt you a little
25 bit.

1 A. I honestly don't remember. I
2 don't remember. I was, you know,
3 concerned about Jeff and the people
4 that were still in there and of
5 course concerned about the One Left
6 crew. And I was mainly trying just
7 to contact these --- contact him.

8 Q. Were you at the mine whenever
9 Mr. Toler, Mr. Jones, ---

10 A. All of them come outside?

11 Q. --- Mr. Wilfong? Yes,
12 whenever they came outside.

13 A. Yes, I was.

14 Q. Okay. What can you tell me
15 about that?

16 A. They said they wanted to see
17 them as soon as they got out. And
18 this ---.

19 Q. Excuse me one second, when you
20 say they ---?

21 A. They as in the federal ---
22 federal and state or and/or state
23 wanted to talk to them when they got
24 outside. By this time, I don't
25 remember whether we had a control

1 room set up or not, but we had
2 several of our company people there.

3 I believe Ty was there, but I'm not
4 absolutely sure it was Ty. We had,
5 you know, several people there by
6 this time.

7 Q. Okay. Do you --- I'm sorry.

8 A. That's it.

9 Q. Do you recall after --- and
10 you had mentioned you thought that
11 One Left crew --- and by this time
12 you would have known that One Left
13 crew was out?

14 A. Yeah.

15 Q. Okay. Are you aware of any
16 person taking brattice material,
17 boars, or any type of equipment,
18 instruments, ---

19 A. Yeah.

20 Q. --- underground?

21 A. Yes. I don't remember who
22 told me, but somebody told me that
23 Dick had called out and had gotten
24 some brattice boards and some curtain
25 and everything. Bring everything you

1 think we would need, you know, nails,
2 this that and the other to
3 reestablish ventilation to go up to
4 try to establish ventilation in to
5 these people. And, you know, try to
6 keep their ventilation going with
7 them. I assumed to try and keep
8 their ventilation going with them as
9 they advanced towards the Two Left
10 section.

11 Q. Okay. When you said, Dick,
12 which person - - - ?

13 A. That would be Denver Wilfong.

14 Q. Denver Wilfong?

15 A. Yeah.

16 Q. And you say he called out.
17 Were you there whenever he called
18 out?

19 A. I was not there. And somebody
20 told me that he called out. The
21 story that I heard from Dick and then
22 is, you know, just what he's told me
23 afterwards.

24 Q. Okay. Go ahead.

25 A. That they did call out. I

1 guess they had met the One Left crew
2 walking the intake and come out. I
3 guess Jeff had called inside and
4 asked them --- or Owie called Jeff or
5 Jeff called Owie. Anyway, they were
6 --- Jeff told them to get in the
7 intake. And they jumped on the bus
8 and headed in to see what had
9 happened. And they met them at some
10 stopping along Four belt. Somewhere
11 outby or inby Second Right, but outby
12 First Left. And they said they were
13 having trouble with one of the ---
14 the mechanic, that he, you know, was
15 having trouble breathing.

16 Q. Okay.

17 A. And Dick brought them through
18 the door, wherever they had slid the
19 mantrip by. You know, the door
20 opened, they saw him and they slid by
21 and come back and got him. So Dick,
22 and I'm not sure who else, but Dick
23 and somebody brought them outside.
24 And then I guess they got a bunch of
25 boards and stuff and went back in.

1 Q. Okay.

2 A. Boards and curtain and this
3 that and the other.

4 Q. Okay.

5 A. But not all of them came
6 outside. I believe Jeff Toler and
7 somebody else, maybe Owie, but I'm
8 not sure who they told me had stayed
9 to continue to advance the
10 ventilation.

11 Q. You were at the mine whenever
12 they took the stuff back in?

13 A. No.

14 Q. No? That was prior to your
15 getting to the mine?

16 A. That was prior to me getting
17 to the mines, because I didn't get to
18 the mines 'til around 8:00. And this
19 would have had to have taken place
20 around 7:15 or so. I really don't
21 believe they got ahold of me much
22 before - - - I think it was 20 'til
23 8:00. I'm not real sure what time
24 they got ahold of me.

25 Q. Did the mine operate prior to

1 the date of the accident? In other
2 words, January 1st?

3 A. No. We had rock dusters in
4 there, I believe. They were either
5 rock dusting or they were putting
6 ballast in. I believe they were
7 putting ballast in, but I don't
8 remember. I believe it was ballast.

9 Q. Okay. But there was some ---
10 the mine didn't produce, ---

11 A. No.

12 Q. --- but there were general
13 mine work being conducted?

14 A. Yeah. We were just ballasting
15 the track.

16 Q. Just ballasting the track?

17 A. Yeah.

18 Q. On the day before the
19 accident?

20 A. Uh-huh (yes).

21 Q. Were they rock dusting also?

22 A. I don't believe they were.
23 You know, I would normally do rock
24 dusting during that period, but I
25 believe our rock dusting was up to

1 par. I don't believe we were on
2 that. I knew we were doing one or
3 the other. And now that I think about
4 it, it was ballasting we were doing.

5 Q. Okay. What was the last
6 production shift?

7 A. It would have been Friday.

8 Q. On the 30th? That would be
9 Friday, the 30th?

10 A. Yes.

11 Q. On the afternoon shift would
12 have been the last shift?

13 A. We work a 12-hour shift on
14 that particular day. And they would
15 have started at 6:00. Well, it was
16 actually 13 and a half. They would
17 have started at 6:00 and finished at
18 7:30 p.m. And then there was another
19 crew that went in, the afternoon crew
20 on that particular shift went in.
21 And they were there for 13-and-a-half
22 hours. And then Lonnie, the shift
23 foreman on the weekend, he had Mike
24 Smith and two or three other people
25 --- or several other people, I guess,

1 in there rock dusting on the
2 sections, catching the bolting up,
3 you know, because we were going to be
4 down for a while. You know,
5 finishing up what midnight had not
6 accomplished.

7 Q. I think I lost something.

8 Okay. I'm sorry.

9 A. And then this is on Saturday.

10 Q. Okay. You're already on
11 Saturday. The last production shift
12 would have been ---?

13 A. The last production shift
14 would have been Friday.

15 Q. Friday afternoon shift?

16 A. Right. Well, no, it's not
17 an afternoon shift. They work a
18 13-and-a-half hour shift.

19 Q. All right.

20 A. Okay? So as far as they're
21 concerned, that's their dayshift.
22 Okay?

23 Q. All right.

24 A. Weekends are handled a little
25 bit different. You have a day and a

1 night.

2 Q. Okay. But I'm talking about
3 Friday. What would have been
4 the ---? Let's see how I want to ask
5 this. The production shift, the last
6 production shift on Friday, what
7 times would that have ---?

8 A. 7:30 p.m. is what time it
9 would have ended, but it started at
10 6:00 a.m. in the morning.

11 Q. Okay. And it ended at 7:30?

12 A. Yes, sir. They got outside by
13 7:30 p.m.

14 Q. On Friday?

15 A. On Friday.

16 Q. The day before the accident?

17 A. Two days before the accident.

18 Q. Or excuse me, the Friday
19 before the accident?

20 A. Right.

21 Q. I'll get it straightened out.

22 A. It's confusing.

23 Q. Okay. So then the shift from
24 7:30 on and toward midnight of
25 Friday, was there anyone working

1 during that period of time?

2 A. Yes, but they started at 6:00
3 p.m. and finished at 7:30 that
4 morning.

5 Q. So that would be Saturday
6 morning?

7 A. Yes, Saturday morning.

8 Q. All right.

9 A. Right. And then I'm not sure
10 what time Lonnie's dayshift started.

11 Q. When you say Lonnie, Lonnie?

12 A. Lonnie Short.

13 Q. Okay.

14 A. He is the shift foreman on the
15 dayshift. He basically runs the
16 weekend.

17 Q. Okay.

18 A. Okay? He worked people for
19 eight hours, extra shifts, on that
20 day, on Saturday.

21 Q. Okay.

22 A. But it was not a producing
23 Saturday, it was a dead work, if you
24 will, Saturday.

25 Q. And that shift there, what

1 hours would they have been working?

2 A. Well, that's a good question.
3 I think he probably worked 6:00 to
4 2:00 p.m. But lots of times on a day
5 like that, they won't come out 'til
6 7:00 or 7:30. And they'll go ahead
7 and switch with the midnight, which
8 is coming out at 7:30. And that's
9 probably what he did, but I do not
10 remember. He handles that, not me.

11 Q. And what would they have been
12 doing during that shift? And now
13 we're still --- now we're talking
14 Saturday?

15 A. Yeah. This is Saturday.

16 Q. Okay.

17 A. And he would have been rock
18 dusting, scooping and roof bolting.

19 Q. And that would have been in
20 the mine roughly where?

21 A. I think he did most of his
22 work on One Left, however they did go
23 up and do something on Two Left, but
24 --- I think they did anyway.

25 Q. And who would those have been

1 --- would they have been the last
2 ones in the Two Left section?

3 A. No. The crew that came in on
4 Sunday and ballast the track, I
5 believe they ballasted the Two Left
6 Saturday --- Sunday. I believe they
7 ballasted track on Sunday. That
8 would be Chester Runyon and Harold
9 Baisden.

10 Q. Okay. Those are two laborers?

11 A. Yes.

12 Q. And who would have been the
13 foreman for them?

14 A. I'm not sure. The foreman ---
15 Harold has his papers and he may have
16 fire bossed the men. That's the way
17 they may have done it. If not, then
18 Lonnie was there.

19 Q. Let me ask you this. Who
20 would have been the last person who
21 examined the Two Left section prior
22 to the day of the accident?

23 A. That would have been the
24 pre-shift, done by Fred Jamison, on
25 the morning --- the morning of the

1 accident.

2 Q. Was there any maintenance
3 performed over the weekend?

4 A. I don't know. They do
5 maintenance on the midnight shift, so
6 they might have done that on early
7 Saturday morning.

8 Q. Do you know if there was any
9 cutting or welding done?

10 A. Not to my knowledge.

11 Q. Did the fan operate
12 continually during the weekend
13 preceding the day of the accident?

14 A. As far as I know it did.

15 Q. Okay. So you actually had
16 some people in the mine --- over the
17 weekend at any one time, there would
18 have been a couple people there, but
19 there were people in the mine
20 continuously during the weekend?
21 When I mean continuously, I mean,
22 just for a break or so.

23 A. No. I don't think there was
24 anybody in the mine from --- on
25 afternoon shift on Sunday. I don't

1 believe anybody was in the mine then?

2 Q. What time would have been the
3 last time that someone was in the
4 mine?

5 A. I think, and I'm not positive,
6 we have people who fire boss all the
7 time, you know, 24/7. They're on
8 three on, three off. And I don't
9 remember whether they were there or
10 not. I don't remember whether they
11 were there or not. We'll just have
12 to look at the books and tell.

13 Q. Okay. You have work logs?
14 Work logs, in other words, logs that
15 indicate who worked a particular
16 shift and when they worked and so on?

17 A. Uh-huh (yes). Yes, we do.

18 Q. And you have maintenance logs?

19 A. Yes.

20 Q. And we may have that, but just
21 for the record here, if we don't have
22 that, can we get a copy of that?

23 A. Sure. I mean, I have to run
24 anything that anybody gets through
25 Johnny.

1 Q. And I understand that. And we
2 may have it. I mean, we got a lot of
3 things.

4 A. Yeah.

5 Q. And just off the top of my
6 head, I can't remember.

7 A. Yeah. Right offhand, I don't
8 think anybody worked on the afternoon
9 shift, but I could have had --- I
10 could have had two fire bosses there
11 and, you know, just forgot about
12 having them there.

13 Q. Okay. Was any of the
14 underground power de-energized for
15 any period of time, to your
16 knowledge, during the weekend?

17 A. Not to my knowledge.

18 Q. Do you recall any problems
19 that you may have been having with
20 any type of equipment, say chargers
21 or anything like that, power boxes or
22 anything up in let's say around the
23 Two Left --- the mouth of Two Left?

24 A. Not to my knowledge.

25 Q. Were there any additional

1 caches of self-rescuers stored
2 underground, any extra SCSRs stored
3 underground anywhere?

4 A. No. I believe because of them
5 containing oxygen, that we weren't
6 allowed to store them underground,
7 but that's hearsay also. But I
8 believe that's the way it was, but I
9 might be wrong on that. No, we did
10 not have them, to my knowledge.

11 Q. Who's responsible for changing
12 a fan chart?

13 A. Dick Wilfong's maintenance
14 force changes the fan chart.

15 Q. And who is responsible for
16 checking the fan alarm?

17 A. I check the alarm, you know,
18 at times, but I don't check the alarm
19 itself. I have Dick's people check
20 the alarm. But I do check the fan
21 water gauge quite often.

22 Q. Okay. And whenever they check
23 the fan to see if the alarm is
24 operating, how do they do that?

25 A. Dick said there's a button

1 down there which they push.

2 Q. Do they ever shut the fan down
3 to check the alarm?

4 A. I don't know. That's a
5 question I do not know.

6 Q. Do you ever change the fan
7 charts at all yourself?

8 A. No. Personally I don't change
9 the fan chart.

10 Q. But you go and --- or you
11 examine them?

12 A. I check it, but if the fan
13 charts run over then I tell somebody
14 else to go change them because I'm
15 afraid I'll tear it up.

16 Q. Okay.

17 A. I'm not very mechanically
18 inclined.

19 Q. All right. And why would the
20 fan chart run over?

21 A. Somebody forgot to change it.

22 Q. I'm going to show you a series
23 of fan charts. And I've stapled
24 these together as a matter of
25 convenience. They were provided to

1 us in the single fan charts. And we
2 just stapled them together for a
3 matter of convenience.

4 A. Fine.

5 Q. And we'll start with the last
6 one actually first. This would have
7 been the chart that was on the
8 pressure recorder at the time of the
9 accident.

10 A. Okay.

11 Q. And I notice that it has on
12 there the date 12/24/05.

13 A. '05.

14 Q. Does that represent the date
15 that it was put on or what does that
16 date represent?

17 A. I think it does but I'm not
18 sure. I honestly don't know how he
19 does that. I've seen the date there
20 but just didn't pay any attention to
21 it.

22 Q. Okay. If that was the last
23 one that was put on, and if that was
24 the 24th that it was put on, then
25 that would be approximately, what,

1 nine days?

2 A. Yes, it would be.

3 Q. And this next fan chart is
4 dated 12/14/05; correct?

5 A. Yes.

6 Q. And that would --- for the
7 record, that would be the next fan
8 chart from the bottom? Okay.

9 A. If that's the case, yes.

10 Q. Yes. And it has a date on it.
11 And that's ---?

12 A. It has 12/14/05.

13 Q. Okay.

14 A. It would have been ten days on
15 that one.

16 Q. And we'll go to the third one
17 from the bottom. It has the date,
18 11/14/05. And I was curious, I
19 noticed that it only goes --- it's
20 not a full chart. It stopped. And
21 would you know why that ---?

22 A. No, sir, I don't.

23 Q. So actually you can't really
24 tell me about these charts ---

25 A. No, sir, I can't.

1 Q. --- to any degree.

2 A. No, sir. Usually all I do is
3 go in and check my reading, write the
4 reading down and then sign it and
5 then, you know, Dick and those guys
6 come down and they change the fan
7 charts and stuff.

8 MR. SWENTOSKY:

9 We'll mark this as
10 Exhibit One.
11 (Crumrine Exhibit One
12 marked for
13 identification.)

14 BY MR. SWENTOSKY:

15 Q. But you do know that the
16 charts are supposed to be changed
17 before the starting of a second
18 revolution?

19 ATTORNEY KILPATRICK:

20 You can answer if you
21 know.

22 A. Yeah. They should have been
23 changed and sometimes they forget.

24 BY MR. SWENTOSKY:

25 Q. Okay.

1 A. And it's ---.

2 Q. Do you examine the chart every
3 day?

4 A. Whenever I get down there and
5 examine that, yeah, I'll look at the
6 chart or I'll look over at the water
7 gauge, one or the two.

8 Q. Do you go every day or is
9 there someone else that does that?

10 A. I don't necessarily go every
11 day.

12 Q. Okay. Who else would go?

13 A. At least I wasn't then. I do
14 now.

15 Q. Okay.

16 A. I pretty much --- I took the
17 fan book and put it down there so I
18 could --- you know, so I could make
19 sure that ---. I went down there
20 every day to sign it, and looked
21 up, ---

22 Q. Okay.

23 A. --- and pay a little more
24 attention to it now than I used to, I
25 guess.

1 Q. Who else would go down there,
2 or who else would be examining the
3 fan whenever you don't do that?

4 A. Usually a mechanic will do it.
5 Any certified person, as well as I
6 remember can do it.

7 Q. Have you ever ---?

8 A. Lonnie has done it before.

9 Q. Have you ever found that the
10 fan chart had not been changed and
11 instructed --- and based on that
12 information, instructed anyone that,
13 hey, we've got to change these fan
14 charts before the second revolution
15 or, you know, anything to that
16 effect?

17 A. Yes, I've gone to them and
18 said the fan chart --- hey, the fan
19 chart needs to be changed.

20 Q. Okay. Do you tell them why?

21 A. Yeah. It was obvious to me.
22 I didn't have to tell them why, it
23 was obvious to me that you needed ---
24 you know, they knew why it needed to
25 be changed.

1 Q. Okay. But what I mean is,
2 have the people that changed fan
3 charts or make those examinations,
4 have they been instructed that the
5 chart has to be changed before the
6 start of the second revolution?

7 A. I think everybody knows that.

8 Q. But you have not instructed
9 them?

10 A. I have not instructed them,
11 but I would go to Dick and say, the
12 fan chart needs changed, you know.

13 Q. How familiar are you with the
14 old Two Left main seals? Do you know
15 what I mean by the old Two Left main
16 seals?

17 A. You're talking about the seals
18 that --- the Two Left turns to the
19 left on an angle, about a 60-degree
20 angle, the ones that blew out?

21 Q. Yes.

22 A. I'm pretty familiar with them.

23 Q. Okay. Do you know when they
24 started building those and when they
25 finished building those?

1 A. I don't remember exact dates.
2 We started, as well as I remember,
3 the last of November or first of
4 December. And I believe that the
5 completion date was the 13th or
6 something like that. I don't
7 remember right offhand what the dates
8 were.

9 Q. And were you involved in the
10 construction of those seals?

11 A. I did not physically lay any
12 blocks to any of those. Jeff
13 basically handled the seals because
14 he had built them before.

15 Q. And that would be ---?

16 A. Jeff Toler. He showed me a
17 diagram of it. I read the diagram,
18 how they ought to be built, so
19 consequently any time I was up in
20 that area, I went up in that area.
21 If I was going to Two Left, I would
22 stop at the seals and see how they
23 were getting along. I probably
24 checked on them six, seven times
25 during the time that they were being

1 constructed.

2 Q. Okay. When you said the
3 diagram, what diagram would that have
4 been?

5 A. I think you have the diagram
6 of it here, of the way the seals are
7 supposed to be constructed.

8 Q. I guess that's a prompt for me
9 to get to the diagram, huh?

10 A. Yeah. I'm pretty sure you
11 have one of those.

12 MR. SWENTOSKY:

13 We'll mark this as
14 Exhibit Two.

15 (Crumrine Exhibit Two
16 marked for
17 identification.)

18 BY MR. SWENTOSKY:

19 Q. Does this represent the plan
20 that was approved for the
21 construction of those seals? And,
22 again, it's stapled together as part
23 of a plan, for convenience.

24 A. Yes, this is the plan.

25 Q. Okay. And you've seen that

1 before?

2 A. Yes.

3 Q. Is that the diagram --- or
4 does that represent the diagram that
5 you looked at that you had referred
6 to a moment ago?

7 A. Yes.

8 Q. And who showed that to you?

9 A. Jeff Toler.

10 Q. Toler. And was he the one
11 that was in charge of the seals?

12 ATTORNEY KILPATRICK:

13 Can we just clarify,
14 when you're talking about the
15 diagram, are you talking about
16 the last --- you're looking at
17 the last page of this exhibit?

18 MR. SWENTOSKY:

19 Yes. I'm looking at
20 the last page of this exhibit.
21 And also for the record, the
22 entire package of --- there's
23 five pages to this.

24 ATTORNEY KILPATRICK:

25 Are you asking him if

1 that's the final approved
2 version of the plan for
3 building the seals or ---?

4 MR. SWENTOSKY:

5 Yes. That's the
6 approved ---.

7 BY MR. SWENTOSKY:

8 Q. Is that the approved plan ---?

9 A. To my knowledge, this is the
10 approved plan, that I was showing.

11 Q. Okay.

12 ATTORNEY KILPATRICK:

13 Are you comfortable
14 with --- do you know whether
15 there were amendments or
16 anything?

17 A. To my knowledge, there weren't
18 any amendments.

19 BY MR. SWENTOSKY:

20 Q. So, again, this was the
21 diagram --- represents the diagram
22 that you saw, ---

23 A. Uh-huh (yes).

24 Q. --- that Mr. Toler had shown
25 you?

1 A. Yeah.

2 Q. And who was it that was
3 working with those seals or the
4 construction of those seals?

5 A. Well, Jeff Snyder was up
6 there. We called him Skip. I forget
7 his name right offhand.

8 Q. Would that have been James
9 Scott?

10 A. James Scott. James Scott was
11 up there then, plus I had Marty
12 Conrad, Mike Triplett. Let's see,
13 John Jackson and Harmon Jordan.
14 Therefore, four people from the
15 Spruce Mine, that were kind of on
16 loan to us. And they are --- Marty
17 was the mine foreman at Spruce.
18 Harmon was the weekend midnight shift
19 --- or not midnight shift but the
20 nightshift person that was in charge
21 of that. And Mike Tripplett was the
22 afternoon shift shift foreman and
23 John Jackson was the person in charge
24 of outby work that was at the Spruce
25 Mines. So these were four really

1 top-notch people that we had up there
2 with them with an awful lot of the
3 seal building, plus Jeff and James
4 Scott.

5 Q. Okay. Does the name of Seth
6 --- is there a Seth or someone that
7 may have ---? Does that ring a bell
8 at all? That was a name that came
9 up. We thought that name came up.
10 And I was trying to clarify, is there
11 someone by that name?

12 A. I don't know. We had a red
13 hat that was named Seth, but I don't
14 remember where he was from.

15 Q. What was his last name?

16 A. I don't remember. I just
17 remember the first name.

18 Q. And he was a red hat?

19 A. Yeah.

20 Q. When you say a red hat, what
21 do you mean by red hat?

22 A. An inexperienced coal miner, a
23 laborer, a general laborer. We have
24 those --- we have people in our
25 industry that we put red hats on when

1 they very first come in the coal
2 mines. They're being taught
3 everything that goes on. And you
4 would normally use them on seal work
5 or work such as brattice building,
6 you know, away from equipment.

7 Q. Yes. And this Seth, he no
8 longer works at the mine or ---?

9 A. I don't think. I don't think
10 he does. I think he's a --- I'm not
11 sure where he's working at now. Jeff
12 knows him. I don't remember his last
13 name.

14 Q. Okay. Would you be able to
15 provide us with a telephone number or
16 something or find out who that
17 individual might be? And let me ask
18 you ---.

19 ATTORNEY KILPATRICK:

20 So a red hat named

21 Seth?

22 MR. SWENTOSKY:

23 Yes.

24 ATTORNEY KILPATRICK:

25 You want to know the

1 last name?

2 MR. SWENTOSKY:

3 Yes.

4 BY MR. SWENTOSKY:

5 Q. Do you recall whether he was
6 involved in working at the seal in
7 the mine?

8 A. I believe he was. As well as
9 I remember, he was.

10 Q. Were there any other persons
11 that were working on the seals that
12 no longer works at Sago Mine?

13 A. Well, I don't think so, but
14 there could be somebody I forgot. I
15 forgot about him.

16 Q. Okay. Getting back to the
17 plan for the installation of those
18 seals that we were talking about a
19 moment ago. Did you review that with
20 any of the individuals who worked on
21 the seals?

22 A. I think --- I believe that
23 Jeff reviewed all this. He brought
24 everybody in his office to show them
25 how to build these seals.

1 Q. Okay. When you say everybody,
2 who would - - - ?

3 A. Everybody. Anybody who was
4 ever involved with doing that. He's
5 brought them in and showed them this
6 diagram, to my knowledge.

7 Q. When you say, to my knowledge,
8 were you there present whenever he
9 did that?

10 A. No, I don't believe I was.

11 Q. So you know that through
12 discussions?

13 A. I might have been there with
14 one or two of those people that came
15 in there. They may have just
16 happened in as I was setting in there
17 talking. I don't remember.

18 Q. Okay. So you personally never
19 had the opportunity to review that
20 with any individuals who worked on
21 those seals; is that correct?

22 A. I don't remember that I did.
23 Now, I did go up there. And if they
24 weren't laying them like I wanted or
25 like I felt the plan did, and I may

1 have told them, well, stagger this
2 joint more or something like that.

3 Q. Did you ever have an occasion
4 to do ---? You say you may have, but
5 I mean do you recall having an
6 occasion to have to do that?

7 A. Well, as a foreman, I usually
8 go in there and try to check on it.
9 And if it doesn't suit me, I say,
10 well, stagger this joint more, don't
11 have them that close. And I think
12 there was one occasion I thought the
13 joints were a little close and I made
14 them spread them out.

15 Q. Okay. Can you describe to me
16 --- well, let me ask you this way.
17 Were you ever at a location during
18 any of your examinations where they
19 were starting a seal out?

20 A. Well, I remember seeing ---
21 all of them I saw were at least two
22 blocks high, or maybe even three
23 blocks high, but at least two blocks
24 high and on the way.

25 Q. You never saw them then start

1 one?

2 A. No, I never actually saw them
3 start one from scratch. I was either
4 outside and came in later or
5 something.

6 Q. Describe to me a little bit
7 the installation that you observed,
8 what they were doing at the time, and
9 kind of just go through that.

10 A. Of course there was always ---
11 there was always one of those guys
12 mixing up material. And it was the
13 BlocBond. We had to use a special
14 type of BlocBond. It had a blue
15 label.

16 Q. The infamous blue label?

17 A. Yeah. The infamous blue
18 label. Okay. You know, they made
19 sure that was the type they used.
20 And they would lay their blocks
21 longways in one row --- on half the
22 row. And the other half of the row
23 would be laid in the other direction.
24 So you had a 40-inch seal when you
25 were done.

1 Q. Okay.

2 A. Okay. Then as you made the
3 next --- you know, of course there
4 would be sealant all through this,
5 the BlocBond put on this at least a
6 quarter-inch thick.

7 Q. Okay. And how did they do
8 that?

9 A. They mixed it up by hand and
10 poured it on. They mixed it up with
11 a hoe and then bucketed it in or put
12 it on by hand. You know, they had
13 gloves, rubber gloves on.

14 Q. Okay. Did they wet any of the
15 block whenever they were laying the
16 block?

17 A. I don't know. They carried an
18 awful lot of water back there. They
19 might have, but I don't remember
20 whether they did that or not.

21 Q. When they would lay the block
22 down, they laid the block down like
23 on top of mortar?

24 A. Yeah.

25 Q. And would they leave a space

1 so that the mortar could be pushed
2 down in or how did they do that?

3 A. I don't know. You mean, did
4 they leave a space so you would be
5 actually ---? No. I mean, they're
6 laid tight. I don't know. I don't
7 remember them --- I don't remember
8 there being a mortar joint in
9 between.

10 Q. The blocks.

11 A. This way in between the
12 blocks, but there might have been. I
13 don't remember.

14 Q. When you were watching them,
15 did they put any mortar on the block
16 itself before laying it down?

17 A. Yeah. Well, you would mortar
18 everything ---. You'd mortar this
19 row here and then you'd set this one
20 on.

21 Q. Okay.

22 A. And then you would mortar
23 around that one again.

24 Q. When you say all around, what
25 do you mean?

1 A. Well, after --- you know, I
2 presume that they just --- they
3 mortared the sides and they mortared
4 the top. But whether I actually saw
5 mortar inside, no, I don't remember
6 that I did. I just assumed that's
7 what they were doing.

8 Q. Okay. So you didn't --- did
9 you observe them putting the blocks
10 down?

11 A. I observed them putting the
12 blocks down but I don't remember that
13 part.

14 Q. When they got a row down ---
15 when a row was laid down then, how
16 did they put the mortar on the new
17 surface of the block?

18 A. They put it on with their
19 hands. Put it on ---.

20 Q. Did they ever just take it and
21 just dump it on and then ---?

22 A. They might have. As well as I
23 remember, they had little buckets and
24 they poured it on. I honestly didn't
25 watch that much of it being done, ---

1 Q. Okay.

2 A. --- because I did have
3 excellent people there making sure it
4 was done right.

5 Q. How did they anchor the sides
6 or the end of the seal to the rib?
7 In other words, between the block and
8 the rib, how was that accomplished?

9 A. I'm not sure.

10 Q. Did they ever --- you know,
11 like when you're building stoppings,
12 sometimes you have a little hole and
13 you put a piece of paper in there.
14 Is that kind of like what they did if
15 they needed it there?

16 A. Oh, I don't think so. I would
17 think if you were going to put
18 anything in there it would be a
19 wedge, ---

20 Q. Okay.

21 A. --- and pound the wedge in
22 there because you'd want that solid.
23 You know, paper, paper won't stuff, a
24 wedge will. I mean, if I was going
25 to do it, I believe that's the way I

1 would do it. But I don't remember
2 actually seeing them do that, no.

3 Q. What about the wire mesh? In
4 the Number Four and Five and maybe
5 --- the entries that had wire mesh
6 in ---.

7 A. Five, Six and Seven.

8 Q. Five, Six and Seven. Was that
9 wire mesh taken down or ---?

10 A. It was cut out.

11 Q. It was cut out?

12 A. Yes, sir.

13 Q. How did they accomplish that?

14 A. With wire cutters.

15 Q. Something like bolt cutters?

16 A. Yes, exactly like bolt
17 cutters.

18 Q. Okay. And there was room
19 enough cut out so that the seal could
20 be ---?

21 A. There was an entire --- there
22 was an entire screen cut out,
23 sometimes more. But, yes --- first
24 of all, you could not ---. You would
25 be silly to try to put it up any

1 other way because I don't know if
2 you've ever tried to anchor a
3 stopping you put in in that wire, but
4 it's tough to do. You would want
5 that wire out of there if you were
6 doing it. Besides that, it was a
7 conductive thing, so they wouldn't
8 have --- they didn't leave any
9 wiring.

10 Q. During any of your
11 examinations there in observing them
12 install the seals, was there ever an
13 occasion whenever you were around
14 whenever they were topping one off?

15 A. No. I was never there when
16 they were topping one off. It seemed
17 like I always run in just whenever
18 they were right here to maybe outlet.

19 Q. Meaning? Right here meaning
20 three feet?

21 A. Yeah, meaning two foot to
22 outlet. I didn't seem to ever get in
23 there whenever they were doing that.
24 And I was always in a hurry, going on
25 up to the section to take care of the

1 other business. Like I said, I had
2 very good people working there,
3 people I trusted. And Jeff was
4 basically in charge of the seal
5 project.

6 Q. Jeff being Toler?

7 A. Jeff being Toler, yeah.

8 Q. Were you ever up there with
9 him?

10 A. I don't believe I was. I
11 don't believe I was ever there with
12 him. He and I don't travel together
13 much because we split up and one guy
14 --- one person goes one place and one
15 person goes another.

16 Q. Were there ever any --- did
17 you ever measure the ---? Let's talk
18 about the Number One seal. That
19 would have been in Number One entry.
20 And I believe that seal was placed on
21 an angle?

22 A. Uh-huh (yes).

23 Q. Do you know the distance rib
24 to rib at that seal?

25 A. No, I don't remember.

1 Q. Did you ever measure it?

2 A. No, I didn't. I don't think I
3 ever measured it.

4 Q. What about the height?

5 A. I told them to keep the height
6 under seven foot --- or seven or
7 eight foot, whichever one was in the
8 plan.

9 Q. I'm sorry.

10 A. That way you didn't have to
11 put a pilaster or anything in the
12 middle of it. There was a certain
13 --- it says up to eight foot high, so
14 we kept it under ---. I told them to
15 keep it under eight foot. That's the
16 reason a couple of those seals are
17 setting way back in there, to keep it
18 under eight foot.

19 Q. When you said you told them,
20 who do you mean?

21 A. The people doing the seal
22 work.

23 Q. Any specific person doing the
24 seal work that you told that to?

25 A. I thought I told --- I believe

1 it was Jeff Snyder that I told to
2 make sure he kept it under eight
3 foot.

4 Q. When you spoke about the
5 joints, when you were telling them to
6 lay them up there, ---

7 A. Uh-huh (yes).

8 Q. --- and you said they were too
9 close, what do you mean by that?

10 A. Too close?

11 Q. Yes. You were instructing the
12 individuals about the placement of
13 the blocks. You said the mortar
14 joints ---.

15 A. Oh, when you're laying them,
16 you need to stagger the next row that
17 you put on.

18 Q. Okay.

19 A. And if they staggered them and
20 they got the joints this ---. They
21 should be staggered right in the
22 middle. And they were staggered, one
23 of them --- one row I saw only had
24 about a four or five-inch offset.
25 And I wanted to --- you know, I said,

1 the next row you put up, you make
2 sure you stagger them in the middle,
3 so your ---. None of your joints
4 ever line up.

5 Q. So the seam, you're talking
6 about?

7 A. Yeah. So this row here and
8 this row here, that you don't have
9 seams lining up, that would weaken
10 the seal.

11 Q. And what you're describing is
12 a lower row. And when you ---?

13 A. Right, the next row.

14 Q. The next row up, you wanted
15 the seams staggered?

16 A. Right.

17 Q. And where they may only have
18 been four to five inches, you wanted
19 them ---?

20 A. I wanted them staggered in the
21 middle.

22 Q. In the middle?

23 A. Right.

24 Q. Do you recall, was it ever a
25 situation where they were directly

1 over each other?

2 A. Not that I can recall.

3 Q. Mr. Wilfong, did he have
4 anything to do with the seals?

5 A. I don't think he was ever on
6 the seals.

7 Q. What was your last examination
8 of the seal area prior to installing
9 the --- let's call it sealing it up,
10 putting the last seal in?

11 A. I wasn't there that day, as
12 far as I can remember. I don't
13 remember where I was, but I believe
14 Marty and John Collins went in. They
15 crawled up overtop of the Number One
16 seal and they checked the back side
17 of all the seals and made sure that
18 the pipe was on cribs, the pipe that
19 you put in on the right side was on
20 cribs, and that everything was ---.
21 You know, that John and Marty could
22 see that everything was done as it
23 should have been, as the approved
24 seal.

25 Q. When you say Marty ---?

1 A. Marty Conway and John Collins
2 John told me for sure not to block it
3 up until he went back. And he had to
4 check the back side of all the seals.

5 Q. What about rock dust? Did you
6 rock dust back in the sealed area?
7 In other words, on the abandoned side
8 of the seals, did you guys provide
9 any additional rock dust back in
10 there? Or how was it rock dusted?
11 When was it rock dusted?

12 A. I don't remember.

13 Q. Were there any instructions to
14 rock dust back there?

15 A. I don't remember that. I
16 don't remember whether I gave the
17 instructions to that or not, or
18 whether Jeff did either.

19 Q. Meaning Jeff Toler?

20 A. Yes.

21 Q. Was there any --- what
22 procedure did you use when mining the
23 bottom in behind the seals in that
24 old Two Left area? What procedures
25 were used for rock dusting that area?

1 Were there any requirements, or do
2 you put any bulk dust on that area or
3 what can you tell me about that
4 little ---?

5 A. Well, you're not allowed back
6 up in that area.

7 Q. Okay.

8 A. The only thing you could do
9 would be to take pan dust and throw
10 it back up in that area or take a
11 blower and blow back in that area.

12 Q. Did you do that?

13 A. I don't remember whether I did
14 it or not.

15 Q. Did you give any instructions
16 to have that done at all, do you
17 recall?

18 A. I don't remember.

19 Q. Did you ever examine those
20 seals after they were completed?

21 A. John Maholick (phonetic) and I
22 examined those seals, went through
23 there after they were completed,
24 probably a week and a half prior to
25 ---. And I'm not --- I don't

1 remember what date it was, but it was
2 probably a week and a half prior to
3 the explosion. And we had gone
4 through there and he checked the rock
5 dusting on that side, on the front
6 side of the seals. Of course,
7 obviously he couldn't see the back
8 side of the seals. And we had put
9 --- I had instructed them to make
10 sure everything was cleaned up out of
11 that area and all the roof control
12 was taken care of. We had one little
13 place where the top wasn't --- had a
14 little cutter on the right-hand rib
15 of the mine. I had them put cribs in
16 that.

17 Of course, you had two cribs
18 on each side of every seal. I had to
19 make sure the ventilation was put up
20 and all completely rock dusted with
21 bulk dust and a bucket duster on a
22 scoop.

23 And Skip told me that he put
24 off 12 bags of those, of that rock
25 dust. I guess that would be --- if

1 they're ton bags, that would be 2,400
2 --- or 24,000 pounds of dust. But,
3 you now, then John and I went in
4 there and examined the seals and
5 everything. And he made a statement
6 to me that I kind of stuck my chest
7 out on. He said that that was among
8 the three best seals that he had ever
9 seen for ventilation, rock dust, and
10 appearance of the seals and roof
11 control at the seals.

12 Q. And when you say John
13 Maholick, who is he?

14 A. He's a federal inspector. He
15 inspected me at Upshur Coals back in
16 the '80s, so he's seen a lot of
17 seals. So I took that as a very high
18 compliment on his part.

19 Q. Is that the only time you were
20 up there after the completion?

21 A. No, you might be referring to
22 when me and John Boni went through
23 there on Wednesday.

24 Q. I'm not referring to anything.
25 I'm just ---.

1 A. John Boni went through there
2 on Wednesday and made a run through
3 there and told me that he found
4 two-tenths at the seals. And that
5 he - - - .

6 Q. Can I just interrupt you for a
7 minute?

8 A. He is my - - - the guy who does
9 the wood plate.

10 Q. That's John Boni?

11 A. That's John Boni.

12 Q. And what day were you
13 referring to?

14 A. Wednesday before the accident.

15 Q. Okay.

16 A. And he called me and told me
17 that he had found two-tenths at
18 seals. And I thought, well, the
19 water's coming up. And I mentioned
20 to Jeff, well, hey, Jeff, we're going
21 to - - - the water must be pushing - - -
22 you know, pressurizing those seals
23 and pushing a little bit of gas out.
24 And we're probably going to have to
25 fix our sump up before we figured we

1 might. And I told John, I said,
2 well, maybe your spotter's off. I'll
3 check it the next day. So the next
4 day I walked in. I walked the entire
5 intake and stopped going through by
6 the seals and I found two-tenths.
7 And that would have been on Thursday
8 before the accident.

9 Q. And when you say you found
10 two-tenths, where would that have
11 been?

12 A. Right up at the seals
13 themselves. I don't remember whether
14 I checked, you know, the area. I
15 don't remember looking at my spotter
16 coming back out the entire time. I
17 just went up and checked two-tenths.
18 I found two-tenths at three or four
19 of the seals and the seals that were
20 on over toward the left, which would
21 have been, One, Two, Three, Four. It
22 just flickered between, you know,
23 one-tenth and two-tenths, as far as,
24 you know, methane. Had no CO and
25 20.8 oxygen, as well as I remember.

1 Q. Did you check the water trap?

2 A. No, I didn't.

3 Q. Do you know if there was ever
4 water put in the water trap?

5 A. No, sir, I do not know.

6 Q. Did anybody ever tell that
7 they did put water in the water trap?

8 A. No, sir. I don't have any
9 recollection of the water trap.

10 Q. What about the sampling pipe?

11 A. John said he cracked the
12 sampling pipe and had found, as well
13 as I remember, he told me 1 or 1.2.

14 Q. Okay.

15 A. I did not crack the sampling
16 pipe.

17 Q. Mr. Boni, is he the only one
18 that ever spoke to you about methane
19 at the seal?

20 A. Yes, sir.

21 Q. And on the Thursday before the
22 accident, is that the last
23 examination that you made of these
24 seals?

25 A. Yes, sir. Friday, I did not

1 --- I went inside, but I only went as
2 far as One Right. And then I was off
3 Saturday and Sunday. I left early
4 Friday.

5 Q. Was that the only time or the
6 only --- Mr. Boni, the only person
7 that ever spoke to you about methane
8 at the seal?

9 A. Yes, sir.

10 Q. Did he indicate at all the
11 extent of the two-tenths percent of
12 methane, like where it was, from
13 where to where, or anything like
14 that?

15 A. I don't remember. I don't
16 remember.

17 Q. In the old Two Left, why was
18 mining stopped there?

19 A. It was bad top, water coming
20 out of the top.

21 Q. Did you ever --- what were the
22 methane liberations up in that area?
23 Do you recall what ---?

24 A. Not a great deal at all, to my
25 knowledge, to what I remember. We

1 had a lot of air going up in there.

2 Q. In the mains there, inby the
3 seals, not the old Two Left main but
4 the main ---?

5 A. In the sealed area, along Four
6 belt line, or what would have been
7 Four belt line, that went up in
8 there?

9 Q. Yes.

10 A. Okay.

11 Q. Was there ever any additional
12 methane accumulations found in that
13 area that you recall?

14 A. No, sir, not that I recall.

15 Q. Did anyone ever find any ---
16 like at the beginning of a shift they
17 went in and found any additional ---
18 or methane over one percent or two
19 percent or three percent or anything
20 like that?

21 A. Not that I recall, no, sir.

22 Q. What's the history for the
23 methane in Sago Mine? I mean, what
24 type of liberations do you usually
25 get?

1 A. Well, a lot of the --- most of
2 the time you don't get anything.
3 Sometimes you'll get one or two.
4 Seldom do you ever see four-tenths,
5 even when you're --- you know, when
6 you're mining or anything.

7 Q. Was there ever any --- do you
8 recall having ever cut into any
9 uncharted boreholes or charted
10 boreholes or boreholes of any kind?

11 A. No, sir, not to my knowledge.

12 Q. What about the power lines,
13 pipes, cable, that extended into the
14 inby the seals, is there anything
15 left in there?

16 A. No, sir, not --- to my
17 knowledge, there wasn't anything left
18 in there. There was a pump cable
19 that ---. We had a pump that was set
20 clear up at the face and it pumped
21 into ---. We were pumping it into a
22 sump. And when we came back past the
23 sump, we pulled the pump out of the
24 sump and brought it outside. The
25 other pump that was up in --- that

1 was pumping to that one in the sump,
2 we just pumped that water into the
3 bottom mining in toward the face
4 because it all laid down that way.
5 Well, we wanted to keep that clear so
6 we could go to our EP point. So we
7 kept it running up until ---
8 practically as we moved off that
9 panel. And I told them to get the
10 pump but I don't think they ever did.

11 I think they left the pump and the
12 cable lay there.

13 Q. And where would that cable
14 extend to?

15 A. It would have extended almost
16 to where the entries go off to the
17 left, off of main Four, off to the
18 left, on the angle. There was a
19 place there in our track entry where
20 we got our centers off and the track
21 and the belt were cut together or
22 almost cut together, within about 15
23 feet of being cut together.

24 Q. Like the intersection of
25 the ---

1 A. It would have been the - - - .

2 Q. - - - main Two Left?

3 A. No. Yeah, it was inby.

4 Q. Yes.

5 A. It was inby that point. That
6 cable, as well as I remember, come
7 back to there.

8 Q. Okay. Did it extend through
9 the location of the seals?

10 A. No. Goodness, no. No. You
11 asked about a cable being left up in
12 there, that's the only cable I know
13 that was actually left up in there,
14 but it was - - - there was never
15 anything that went through the seals
16 or even remotely went through the
17 seals. No trolley line, with the
18 little green line that, you know, you
19 used for your radios on your buses.
20 There was no - - - every piece of metal
21 was cut. The track all came out and
22 was used in the present Two Left.

23 Q. So that's the only piece of
24 equipment that would have been left
25 up in there; is that right?

1 A. To my knowledge, that's the
2 only piece of equipment that was ever
3 left up in there.

4 MR. SWENTOSKY:

5 Now, we'll take a
6 break.

7 SHORT BREAK TAKEN

8 BY ATTORNEY SWENTOSKY:

9 Q. The bags of mortar that were
10 used on those seals, were there
11 instructions on those seals --- on
12 the bag?

13 A. I didn't read the bag.

14 Q. Did Mr. Toler, Mr. Jeff Toler,
15 did he travel with you underground to
16 the seals when they were being built?

17 A. I can't remember when he and I
18 were ever there together. There may
19 have been one instance where we were,
20 but I don't remember that.

21 Q. Do you know if he was ever at
22 those seals?

23 A. Oh, yes, he was at the seals
24 several times.

25 Q. Several times? Approximately?

1 A. I don't know.

2 Q. More than five? Did you and
3 him ever have any discussions
4 concerning the seal construction?

5 A. No, not concerning --- other
6 than he showing me how to build them,
7 and, you know, the measurement, that
8 they had to be at least ten foot back
9 in. I do remember one time when he
10 and I were at the seals together. I
11 believe he and I were there ---. No.
12 I'm sorry. We weren't there that
13 same day. I was thinking that the
14 day he made them move the seal,
15 because it was too close toward the
16 outside.

17 Q. Okay.

18 A. Or toward the intersection. I
19 was thinking I was up there that day
20 but I wasn't. I don't think he and I
21 were ever at the seals at the same
22 time.

23 Q. Going back, we were talking
24 about the miners that were
25 constructing the seals.

1 A. Uh-huh (yes).

2 Q. Most of the people up there
3 seemed to be foremen or supervisors
4 or whatever. Who was actually in
5 charge of those seals, the
6 construction of those seals?

7 A. Jeff was actually in charge.
8 I mean, Jeff told me he would handle
9 that. And whoever's up there,
10 whoever's in charge is the foreman
11 that's there, the most senior
12 foreman. Lot of times it would be
13 Marty would be the most senior
14 foreman. Or after that it would be
15 --- if there wasn't any foreman up
16 there, then it would be Skip or James
17 Scott. James Scott wasn't there by
18 himself very much, but he is a
19 foreman and he was ---. He would
20 have been in charge of the people
21 that he had there.

22 Q. Okay. So Mr. Jeff Toler was
23 the overall person in charge of the
24 seals; is that correct?

25 A. Yeah. As far as I was

1 concerned he was, yes.

2 Q. And whenever there was a crew
3 of men working at the seals,
4 constructing them, ---

5 A. Uh-huh (yes).

6 Q. --- was there an individual
7 who had overall charge on that
8 particular shift that would be
9 responsible for seeing that those
10 seals were constructed as per the
11 ventilation plan that was approved
12 for construction?

13 A. Each and every foreman that
14 would have been up there would have
15 been in charge of that. If one guy
16 --- if one foreman saw something that
17 he didn't --- that wasn't going ---
18 you know, that wasn't being done like
19 he wanted it, he would have said
20 something. Was there one single
21 person that was in charge up there?
22 There were several days that Marty
23 might not have been there, then it
24 would have been Jeff, Jeff Snyder.
25 If Jeff Snyder wasn't there, then it

1 would have been James Scott.

2 Q. Well, would it be like
3 everybody's in charge of themselves?
4 I don't mean that as a smart remark.

5 A. No.

6 Q. I'm just trying to figure out
7 what's going on.

8 A. Not in charge of themselves,
9 to make sure that ---. They were all
10 kind of checking themselves, yes ---
11 you know, checking each other, I
12 guess you would call it.

13 Q. Is there or was there a seal
14 construction book, other than the
15 normal weekly examination, the
16 on-shift examination? Is there a
17 seal construction book that was only
18 for that purpose, that you recall?

19 A. Yeah. I recall a book that we
20 had. Just like you would have a
21 section book, we had a seal book.

22 Q. Just for that purpose?

23 A. Yes.

24 Q. That particular ---?

25 A. And that, to my knowledge,

1 wasn't necessarily the construction
2 of the seals but the examination of
3 the area.

4 Q. But there was a book called
5 that?

6 A. Yeah.

7 MR. SWENTOSKY:

8 Okay. And I believe
9 we're requesting that, but if
10 we didn't, we'll let you know.

11 ATTORNEY KILPATRICK:

12 You know, I guess that
13 stuff would have to come from
14 the company, other than ---.

15 MR. CRAWFORD:

16 We asked them for that.

17 A. I'm surprised you couldn't
18 find it there, you didn't already
19 have it.

20 MR. SWENTOSKY:

21 I didn't look. I
22 wasn't there to look.

23 A. I'm pretty sure there was a
24 seal book there ---

25 MR. SWENTOSKY:

1 All right.

2 A. --- that we signed.

3 MR. CRAWFORD:

4 We've asked for it.

5 BY MR. SWENTOSKY:

6 Q. Do you know if there were any
7 5023 forms filled out for the seal
8 trainees? You know what I mean?
9 That's the task-training type ---.

10 A. As far as I know, there would
11 have been, yeah. I'm pretty sure
12 that Jeff had --- you know, had
13 everybody that was working on the
14 seals sign those forms.

15 Q. Okay. The trolley phone, as
16 you call it, that's the one ---
17 that's the phone on the mantrip;
18 right?

19 A. Uh-huh (yes).

20 Q. That was a yes?

21 A. Yes. Yes, it was.

22 Q. During your last visit, prior
23 to January 2nd, the day of the
24 accident, were those phones
25 operative?

1 A. Yes. That would have been on
2 a Friday.

3 Q. Okay.

4 A. Or do you mean ---.

5 Q. The last day that you worked,
6 that you were at the mine. The last
7 day you worked there.

8 A. Yeah. The last day I worked,
9 yes, they were operative.

10 Q. Okay.

11 A. That would have been on a
12 Friday. And I left around one or two
13 o'clock on that Friday afternoon.

14 Q. Are you aware of any time that
15 they became inoperative?

16 A. No, sir.

17 Q. When you were at the seals
18 making your --- the seals, after they
19 were completed and you made the
20 examination, what's the quantity of
21 air that was passing through the
22 entry that was for the purpose of
23 ventilating those seals?

24 A. John Boni told me it was
25 11,000 --- somewhere between 11,000

1 and 12,000 is my recollection.

2 Q. Did you ever measure that
3 quantity of air?

4 A. No, I did not.

5 Q. You mentioned that John Boni
6 had cracked the sampling pipe, which
7 was in Number Nine entry. And I
8 believe they call it Number Ten seal.
9 And he observed one to --- 1.2 ---?

10 A. He told me --- and this is my
11 recollection of what he told me, and
12 my understanding of what he told me
13 that he found 1.2. I mean, with the
14 meter stuck right up against the pipe
15 is what I assumed that he meant.

16 Q. Yes. And you said you didn't
17 crack the pipe?

18 A. No.

19 Q. Why?

20 A. I have no reason to crack a
21 pipe. Whatever's behind the seals is
22 behind the seals. What's in front of
23 the seals is what I have to worry
24 about.

25 Q. Did you have any involvement

1 in preparing the plan, which is
2 Exhibit Number Two? Did you have any
3 involvement in preparing that plan?

4 A. None whatsoever.

5 Q. Did anybody ever talk to you
6 about Omega seals or should we use
7 Omega seals or should we not or
8 anything like that?

9 A. Jeff said that he thought we
10 ought to use Omega seals. He said it
11 was a good seal, it was an approved
12 seal. He had used them many times
13 before he said.

14 Q. Did you have any reason to
15 question that?

16 A. No, sir.

17 Q. Did you ever have a reason to
18 question how those seals were being
19 built, ---

20 A. No, sir.

21 Q. --- and whether they were
22 installed properly?

23 A. Did I ever have a question of
24 it?

25 Q. Yes.

1 A. Well, if I saw a joint that I
2 thought was too close, I told him to
3 move the joint. Other than that, no.

4 Q. Okay. From your observations,
5 the occasions that you were at the
6 seal, they were being installed
7 properly?

8 A. Yes, sir.

9 Q. Up in the old Two Left area,
10 you're familiar with that?

11 A. Yes, sir.

12 Q. Do you know anyone who
13 performed roof bolting up in that old
14 Two Left area?

15 A. Yes, sir.

16 Q. And can you provide me with
17 those names? Do you recall who
18 bolted in those areas, other than the
19 unfortunate miners who perished in
20 the ---?

21 A. I'm drawing a blank on that
22 right now, but I can get back with
23 you on that.

24 Q. Okay. That would be fine.
25 The roof bolters, operators that roof

1 bolted in the old Two Left - - - .

2 A. Yes, sir, I can - - - .

3 Q. Okay.

4 A. I'm kind of drawing a
5 blank on it. I mean, I can sit here
6 and think about it a while and come
7 up with some names for you, but, you
8 know - - - .

9 Q. Okay.

10 A. It would be easier for me
11 to - - - .

12 Q. Sure. I understand. Do you
13 recall at any time seeing streaks on
14 the mine roof up in the old Two Left
15 main area? And I'll show you a
16 picture of the mine roof. And if you
17 would - - - .

18 MR. SWENTOSKY:

19 And we'll mark that as
20 Exhibit Three.

21 (Crumrine Exhibit Three
22 marked for
23 identification.)

24 A. I've seen this streak. I
25 don't recall seeing this streak

1 before the explosion. But they have
2 shown this streak to me and I have
3 been to this point two or three
4 times.

5 BY MR. SWENTOSKY:

6 Q. And have you ever seen any
7 streaks anywhere in the coal mine
8 like that?

9 A. No, sir, not straight lines,
10 parallel lines like that. Generally
11 when you see fossils, you don't see
12 this kind of a straight line.

13 Q. The belt hangers that you use
14 in the mine to hang the belt change
15 from, ---

16 A. Uh-huh (yes).

17 Q. --- that hold the belt up, ---

18 A. Yes, sir.

19 Q. --- how were those installed?
20 Meaning ---.

21 A. They're bolted to the roof
22 with a roof bolt.

23 Q. Okay. These hangers are they
24 always installed facing the same
25 direction?

1 A. They try to, yes, sir.

2 Q. Do they ever --- do you recall
3 them ever being installed in a
4 different direction?

5 A. Turned right or left, is that
6 what you're asking?

7 Q. Yes.

8 A. I've seen them turned right
9 and left occasionally. They'll spin
10 the bolt and it might catch right at
11 the last instant and turn it slightly
12 to the right or slightly to the left.

13 Q. Okay. And when we're saying
14 right or left, is that from a
15 position of outby direction looking
16 inby?

17 A. If I'm outby and I'm looking
18 inby, it can go to either side, you
19 know. You rotate the bolt and when
20 you rotate the bolt, the bolt could
21 turn the belt hanger slightly, you
22 know, to your right or to your left.

23 Q. Okay. But you try and install
24 those ---?

25 A. We try to install them facing

1 so that the hole is right along the
2 straight line. So that the holes
3 should actually line up. But coal
4 mining's not quite that precise.

5 Q. So on occasion they get
6 installed in different directions?

7 A. On occasion they would.

8 Q. And whenever they are
9 installed in different directions,
10 when you go to hang the belt, how do
11 they straighten those things out so
12 that they align the belt?

13 A. They don't. They'll just hang
14 the hangers on. And the weight of
15 the belt itself will allow it to
16 swing whichever way it needs to.

17 Q. Okay. So they don't actually
18 stay in the same --- in that same
19 direction as installed? When a
20 belt's hung on them, they kind of
21 position themselves?

22 A. No, the chain is what will do
23 the positioning, ---

24 Q. Okay. But ---.

25 A. --- not the hanger.

1 Q. But on occasion, to train the
2 belt, as they say, ---

3 A. Uh-huh (yes).

4 Q. --- does it, on occasion, have
5 to move those hangers?

6 A. Not to my knowledge. You
7 know, I wouldn't say that they
8 wouldn't have to but I can't
9 imagine ---. Are you asking if we
10 would get them off the center line,
11 would they put another set of hangers
12 up?

13 Q. No. What I mean is --- well,
14 let's put it this way, sometimes
15 whenever you have to train a belt,
16 you'll take a hammer and move them in
17 some fashion?

18 A. Generally, I would move the
19 rollers, if I was going to train the
20 belt. I would never move the
21 hangers.

22 Q. Do you ever see any bent
23 hangers?

24 A. Yes, sir.

25 Q. What causes that?

1 A. There are occasions where a
2 miner - - - the boom of a miner or even
3 the head of a miner could get up in
4 the top and bend a hanger. Generally
5 you won't find them side by side,
6 you'll just find an occasional one
7 bent here or there - - - here and
8 there.

9 Q. Sure.

10 A. You won't find it in one area
11 for a long ways.

12 MR. SWENTOSKY:

13 John, do you have
14 anything?

15 MR. COLLINS:

16 Just a couple of
17 questions, please, Carl, about
18 the seals.

19 A. Yeah.

20 BY MR. COLLINS:

21 Q. If I might, the ventilation of
22 the seals, the finished ventilation
23 of the seals, where the air comes up
24 the right-hand side of northeast
25 main, - - -

1 A. Uh-huh (yes).

2 Q. --- splits, puts the seals on
3 their own split.

4 A. Uh-huh (yes).

5 Q. Goes across and ventilates
6 them. Hits the little diagonal, goes
7 up the tube, ---

8 A. Uh-huh (yes).

9 Q. --- through Three, Two and One
10 seal and back out; correct?

11 A. Yeah.

12 Q. Okay. When that was
13 completed, as far as you know, how
14 much air did you have?

15 A. At first we had 4,500 cubic
16 feet of air. Then we weren't getting
17 enough air on our belt lines in One
18 Left. In other words, we weren't
19 forcing enough intake into One Left.
20 We went to 60 block and we put up an
21 intake regulator at 60 block, between
22 Number Six and Number Seven, as well
23 as I remember. That would be Number
24 --- yeah, it would be between the
25 track and the intake, Number Six and

1 Number Seven.

2 And we used a Kennedy stopping
3 and we had like four panels here and
4 four panels here on each side, with a
5 road through the middle. And we used
6 that to regulate that air going up to
7 Two Left section. And it allowed
8 more air to go up in One Left, but it
9 also forced more air across the
10 seals. And when we checked the
11 seals, it was 11,000 --- between
12 11,000 and 12,000 then. We actually
13 gained air at the seals.

14 Q. Between 11,000 and 12,000. Do
15 you know when this change was made?

16 A. I don't remember.

17 Q. Okay. At 60 block, you say
18 you did that?

19 A. Yes, sir.

20 Q. Which that's about --- I think
21 the Two Left switch is at 58?

22 A. Yeah.

23 Q. And then is it two blocks
24 inby, we're pretty close to the
25 seals?

1 A. We were within two blocks of
2 the seals. And that was made right
3 at where the intake turned
4 left-handed for main Two Left, where
5 the intake turn left-handed off of
6 Four belt and was going across what
7 would have been old Four belt mains.
8 Right where that intake turn is where
9 the regulator was.

10 Q. So these air results will be
11 in the weekly examination book?

12 A. They should be, yes, sir.

13 Q. When John Boni found this
14 methane, the small amount of methane
15 on the Wednesday before the
16 explosion, had the ventilation
17 changed, that you're speaking of now?
18 It had already been made?

19 A. Yes, sir.

20 Q. And how do you know it was
21 between 11,000 and 12,000? Did you
22 take that reading?

23 A. That was what they told me it
24 was. It was whoever took the reading
25 told me it was.

1 Q. Do you have a theory on why
2 installing a regulator at 60 block
3 and Six and Seven entry would have
4 increased the air going through the
5 seals pit?

6 A. It put more pressure on it,
7 because air goes basically to its
8 quickest route to a return or to a
9 neutral that is heading outside. And
10 we had too much air going up to the
11 Two Left section and was forcing it
12 out the track, therefore the track in
13 the belt had a lot of air on them up
14 in that area there, and they didn't
15 have very --- didn't have enough air
16 on the belt in the track in One Left.
17 And the reason we made the change was
18 to force more air down here. And the
19 benefit of forcing more air down here
20 was that you picked up air also at
21 the seals. Because of the pressure,
22 it became less --- it was, you know,
23 less restriction going around the
24 seals and down over the overcast than
25 it was --- you know, than it was

1 before.

2 Q. Okay. Carl, when was the
3 first time that you noticed that the
4 pump that I think is identified as
5 Number 13 pump maybe, there was a
6 pump that we believe was left up in
7 the head of old Two Left?

8 A. Uh-huh (yes).

9 Q. When was the first time you
10 knew that pump had been left?

11 A. Oh, probably about the time we
12 came out of the seals. I knew that
13 there was a pump left up in there. I
14 thought they cut the cable off and
15 brought the cable out.

16 Q. And I'm sorry, I missed the
17 comment about the cable?

18 A. I thought they had cut the
19 cable and brought the cable out.

20 Q. I know we covered that pretty
21 good, but this cable did not extend
22 outby to where the seals were?

23 A. Oh, no sir. There was no
24 cables or anything going through the
25 seals.

1 Q. Okay. There's a question here
2 that says, after you built --- after
3 the seals were built, could you tell
4 how the blocks were laid? If someone
5 went up and looked at the seals after
6 the seals were built, could you tell
7 how the seals --- how the blocks were
8 laid?

9 A. I don't believe you could,
10 because they were coated heavy on the
11 back and heavy on the front and you
12 probably couldn't tell the difference
13 between the seal and the stopping.

14 Q. And did you give any
15 instructions to say John Boni about
16 this ventilation tube or sampling
17 tube, to check it or to open it?

18 A. I didn't tell him to open that
19 seal, absolutely not.

20 Q. When you went up, as I recall
21 the follow-up days was that --- did
22 you observe the valve?

23 A. I did not observe the valve.

24 Q. Did you ever --- what kind of
25 valve was it? Do you know what kind

1 of valve it was?

2 A. It was --- well, I didn't
3 observe the valve. I didn't look at
4 the valve, but I knew what it was, so
5 that's the reason I didn't look at
6 it. It was a half-inch --- they call
7 it a ball valve. It's got a handle
8 that turns to like from right to left
9 and opens up. It's called a ball
10 valve. It was a half-inch copper
11 valve.

12 Q. Just a clarifying question.
13 If I'm correct on this, way back in
14 the interview, we were talking about
15 power being off in the mine. And I
16 think you stated that as far as you
17 knew there was no power off in the
18 mine.

19 A. By this, I meant the 12,000
20 power wasn't off in the mines. I'm
21 sure that every breaker was not, with
22 the exception of breakers on whatever
23 pumps that were running.

24 Q. I think the question was,
25 during the time before the examiners

1 came out --- I think that's what they
2 were talking about.

3 A. Yeah.

4 Q. And I just got a little turned
5 around on that, you know, myself.
6 Carl, as far as you know, were there
7 any --- was there any metal left
8 going through the seals?

9 A. No, sir, there was not.

10 Q. And I'd like to ask you about
11 the two-tenths methane that was
12 reported by John Boni when he
13 reported that to you.

14 A. Uh-huh (yes).

15 Q. What did that mean? Did you
16 have a question in your mind about
17 what that might have meant?

18 A. No. The only thing that meant
19 to me was that the seal --- behind
20 the seals was happening, what was
21 supposed to happen behind the seals.
22 It was supposed to build up with
23 methane or become inert --- inert
24 behind the seals. There's no way for
25 me to check inby the seals and

1 whatever's there is there. You know,
2 that's what seals are for. You know,
3 once you seal that off, that area is
4 --- inby by the seals is no longer in
5 your control. You only control what
6 is in front of the seals when you
7 check it.

8 MR. COLLINS:

9 I think that's all we
10 have to ask, Dennis. Thank
11 you, Carl.

12 BY MR. SWENTOSKY:

13 Q. And you may have answered this
14 with Mr. Collins, but as we all say,
15 clarifying.

16 A. Okay.

17 Q. We have a lot of ---.

18 A. Yes, sir.

19 Q. After the ventilation change
20 was made, and when the ventilation
21 --- the intake air started on the
22 right side, meaning at Number Nine
23 seal, ---

24 A. Uh-huh (yes).

25 Q. --- and moved across towards

1 Number One and you had a set of
2 overcast across the ---

3 A. Uh-huh (yes).

4 Q. --- Two Left, was there a
5 regulator on top of those seals?

6 A. No. There was four --- there
7 was four overcast.

8 Q. Yes.

9 A. Okay? The fourth overcast,
10 the most inby overcast, just had a
11 small area overtop of it. And we
12 were using that to regulate with.

13 Q. So it was self-regulating?

14 A. Yeah, until we had to do
15 something else. You know, we thought
16 we would try that. And then if we
17 had --- if we had to cut more air
18 down on the seals, then we were going
19 to put up a regulator.

20 Q. Okay. So there was no
21 regulator on the seal?

22 A. No. It was self-regulating by
23 the smallness of that one overcast.

24 Q. How high was that?

25 A. Well, the area overtop the

1 - - - ?

2 Q. Yes.

3 A. I'm not real sure. I think it
4 was - - - I believe it was between a
5 foot and a half and two foot.

6 Q. So it would be difficult to
7 crawl over?

8 A. But we had doors on each side.

9 Q. Okay.

10 A. But I told them to make sure
11 that a person could crawl over it,
12 but we would put doors on each side
13 so they wouldn't have to, on each
14 side of the overcast.

15 Q. So it was roughly, you say, a
16 foot and a half?

17 A. I'm saying a foot and a half
18 to two foot. Probably two foot.
19 Now, James Scott would probably know
20 how much area was there and probably
21 so would John Boni.

22 MR. SWENTOSKY:

23 Off the record.

24 OFF RECORD DISCUSSION

25 BY MR. UROSEK:

1 Q. Good afternoon, Mr. Crumrine,
2 I'm Mr. Urosek of the Mine Safety &
3 Health Administration, part of the
4 Sago investigation team. And I was
5 going to hopefully work with you a
6 little bit to jog your memory a
7 little bit on some of the
8 post-explosion activities.

9 A. Uh-huh (yes).

10 Q. Can I call you Carl?

11 A. Sure.

12 Q. I know that a lot of
13 activities occurred after the event
14 and kind of ran together because it
15 was a long period of time and no one
16 got too much sleep.

17 A. Exactly.

18 Q. So I know it's going to be
19 tough to remember a lot of these
20 things, but we do appreciate anything
21 that you can remember, especially if
22 you remember any times ---

23 A. Uh-huh (yes).

24 Q. --- of what may have occurred.
25 I guess we'll pick it up from the

1 time you and Jeff Toler and the crew
2 had come out of the mine.

3 A. Uh-huh (yes).

4 Q. And at some point after that,
5 you mentioned about a command center
6 was established.

7 A. Uh-huh (yes).

8 Q. And this command center, what
9 entities comprised that command
10 center?

11 A. We had the state and federal
12 officials. And we had our ICG head
13 of safety, Ty - - -.

14 Q. That would be Ty Coleman?

15 A. Ty Coleman. And of course had
16 an open telephone that goes to the
17 rescuers. And that's basically it.

18 Q. Let's talk about that a little
19 bit. You said MSHA was involved
20 there?

21 A. Yes, sir.

22 Q. Were you involved in notifying
23 MSHA at all about the accident?

24 A. I did not notify MSHA. That
25 was already being done by Johnny

1 Stemple, I believe.

2 Q. Okay. How about the state?

3 That was the same?

4 A. Somebody had notified John,
5 because obviously he got there within
6 five minutes of me.

7 Q. And you had mentioned that you
8 got the call about 7:45 or ---?

9 A. Well, 7:45 or something like
10 that. And I got there as quick as I
11 could. I don't remember what time I
12 got there though.

13 Q. You must live pretty close.

14 A. About six to eight miles from
15 there, ---

16 Q. Okay. So it didn't take
17 you ---?

18 A. --- depending on which road I
19 take.

20 Q. Okay. So it didn't take you
21 very long?

22 A. No, it didn't take me very
23 long.

24 Q. Now, you had mentioned also
25 that the dispatcher --- you had

1 spoken with the dispatcher - - -

2 A. Uh-huh (yes).

3 Q. - - - when you got there. Do
4 you remember him telling you anything
5 about the CO-monitoring system or
6 about what might be - - -?

7 A. It seems to me like he said
8 that all the COs in that area were
9 reading, you know, extremely high.

10 Q. Extremely high. Did he say
11 anything, that part of the system - - -
12 there was communication failure or
13 anything?

14 A. He said that we had no
15 communication with Two Left.

16 Q. As far as the seal system?

17 A. No, as far as the
18 communication to the people.

19 Q. Okay. You had not heard from
20 the people?

21 A. Right.

22 Q. Did he say anything about the
23 CO-monitoring system and whether it
24 was just - - - had high CO readings in
25 the Two Left, or whether it was - - -?

1 A. He said we had high CO
2 readings from I don't remember where
3 exactly, but it was ---. At least
4 from one CO monitor maybe inby one
5 ---. I'd be speculating on that.
6 Basically, two --- basically, it was
7 from One Left up.

8 Q. One Left up?

9 A. Yeah.

10 Q. Okay.

11 A. And he said that --- then
12 whenever I went over and looked at
13 them, I went over to the dispatcher
14 shack at some point in time there in
15 the morning and then my recollection
16 was 107 and 117 on all of them. Some
17 of them were reading dead going in
18 towards Two Left. And they had some
19 high CO readings going in to One
20 Left.

21 Q. Into One Left also?

22 A. Yeah.

23 Q. When you first got the
24 information, you know, the CO
25 readings and after you talked to Mr.

1 Toler, what did you think had
2 happened? I mean, did you have any
3 idea at that point in time?

4 A. I just knew there had been an
5 explosion. And I believe the
6 lightening strike was mentioned. I
7 thought, well, it's my --- my first
8 thought was that what had happened,
9 it had blown in behind the seals. I
10 don't remember if I had --- if I
11 mentioned that to anybody. I just
12 said, well, how could a lightning
13 strike, you know, have caused the
14 explosion? They just --- everybody
15 felt that that's what had happened
16 because it was just --- they had the
17 lightning strike, they had --- the
18 COs went out. Owen Jones called
19 within a minute. You know,
20 everything is within a very tight
21 time frame. It's just kind of simple
22 addition.

23 Q. Was there any thought ---
24 you're aware of what the normal
25 activities of the Second Left crew

1 would be when they entered the mine?

2 A. Yes, sir.

3 Q. And was there any thought as
4 to where they would have been at the
5 time, you know, when you first got
6 there, right when the command
7 center's being formed to try and find
8 them, of where they might be?

9 A. I felt that they would have
10 just reached the section but would
11 not have had time to turn on any of
12 the equipment.

13 Q. And is that based on what you
14 expected the travel times were?

15 A. Yes, because they told me what
16 had happened at One Left, that One
17 Left was about five minutes behind
18 them. And One Left people --- when
19 they were at One Left, they could
20 have looked up and seen them if they
21 were at the turn. And since they
22 never saw them or nobody ever said
23 that they saw those guys, you know,
24 when they got to One Left switch, I
25 knew almost for sure that they had

1 reached the section or were very,
2 very near the section when the event
3 happened.

4 Q. I'll jump ahead a little bit
5 because I know that you were involved
6 and see where the mantrip eventually
7 was. Do you believe the mantrip,
8 when you found it, was where it was
9 where the men had gotten that far or
10 they had moved it?

11 A. I believe that they had moved
12 it and come back from ---. I was
13 never in there to see where the
14 mantrip was. Were you talking One
15 Left mantrip?

16 Q. The Second Left mantrip.

17 A. Okay. The Second Left mantrip
18 they used to bring the people out on,
19 so I never was --- I never saw where
20 it set. I was never --- I wasn't
21 with a rescue team.

22 Q. Okay. Were you aware that it
23 was somewhat outby by the ---

24 A. Yes, sir.

25 Q. --- end of ---?

1 A. I assumed that they had gotten
2 back in the mantrip and had tried to
3 come out.

4 Q. And, again, I'm jumping ahead
5 and I apologize for that, but at that
6 period of time, when they had found
7 the mantrip, were you in the command
8 center when the mantrip was found?

9 A. I don't remember.

10 Q. I know that in the various
11 offices there were telephones.

12 A. Yes.

13 Q. Were you at least on the
14 telephone or near by a telephone at
15 the time?

16 A. I believe I was, but, you
17 know, I honestly don't remember.

18 Q. And I guess the question I'm
19 coming to is, there was a report now,
20 of course, that when they found the
21 mantrip, there was no one in the
22 mantrip. And then shortly after that
23 I think a report came out that there
24 were some footprints - - -

25 A. Yes, sir.

1 Q. --- that were found.

2 A. And that they were going to
3 follow those footprints.

4 Q. Yes. And those footprints, I
5 believe, were in the intake
6 escapeway?

7 A. Yes. What I understood was
8 that they had found where they put
9 their rescuers on, they followed
10 footprints over and out the intake
11 escapeway. And we were saying ---
12 wondering if they forgot about the
13 sump and fell in the sump.

14 Q. I think I remember that. At
15 some point, did those footprints
16 disappear?

17 A. Yes, sir. They said that they
18 lost them.

19 Q. And at that point, it was ---
20 everyone was wondering what direction
21 they may have gone?

22 A. Yes. And I believe that they
23 were low on oxygen and they had to
24 --- I believe that the crews were low
25 on oxygen and had to change out at

1 the time. It was real close to that
2 time anyway.

3 Q. Then so subsequently I believe
4 that the mine rescue teams did make
5 a ---?

6 A. Yes, sir, they did push in,
7 yes, sir.

8 Q. There was some discussion also
9 during that time that someone had
10 found another piece of equipment,
11 possibly?

12 A. Yeah. What they said was
13 before this area here, they said that
14 they had found an item, so I had a
15 pretty good idea of what item they
16 were talking about, an item being a
17 body.

18 Q. Yes. I was referring to on a
19 section --- on Two Left section
20 though, there was some discussion
21 that a piece of equipment, and I'm
22 not sure exactly what it was, maybe a
23 scoop or something, that normally
24 would have been further into the
25 section may have been found outby.

1 Do you recall any discussions like
2 that, if there were any ---?

3 A. No, I do not recall that, but
4 it wouldn't have been unusual to have
5 found a scoop outby, because they
6 might have been unloading supplies or
7 they knew they were going to have to
8 have --- well, they rock dusted up
9 there. They had a rock duster in
10 that one scoop. So it wouldn't be
11 terribly unusual to find one down
12 next to the track, to the end of the
13 track.

14 Q. How about the three-wheeler?
15 Was there a discussion about the
16 three-wheeler, where it was at?

17 A. We don't have a three-wheeler.

18 Q. Some type of little flat car?

19 A. Yeah, there's a four-wheel
20 little mantrip.

21 Q. Yes. Was that located ---
22 could that have been what I'm
23 thinking of, that the mantrip was in
24 a different location maybe then?

25 A. No, I think it was pretty well

1 ---. I know that one of the rescuers
2 jumped on that, what I was told,
3 whenever they found the bodies and
4 stuff and were trying to get people
5 there. They tried to get in that.
6 And one of the rescuers moved that,
7 is what ---. I was told that by
8 somebody, but I don't remember who
9 told me that.

10 Q. Okay. So other than --- and
11 this is just your opinion --- other
12 than the thoughts of the miners may
13 have tried to use the mantrip to come
14 out and subsequently they attempted
15 to walk out, at that point, we don't
16 --- is it your thoughts that they
17 probably went to the face,
18 subsequently?

19 A. Yes. I think that they did
20 not know where the explosion came
21 from. And why they didn't go over
22 and try the belt, I don't know. They
23 might have tried the belt. They may
24 have tried it, go down the belt and
25 had gotten into debris and said,

1 well, you know, we've already used a
2 half hour of our oxygen, we need to
3 get back to the face and barricade.
4 And they could have reached CO before
5 --- you know, before this whole
6 event, they may have jumped on the
7 mantrip and come down there before
8 they put their rescuers on, I don't
9 know. I can't imagine anybody doing
10 that. You know, if you felt that
11 puff of wind, I think you'd want to
12 put your rescuer on right now because
13 CO is colorless and odorless.

14 Q. The curtains and --- I know
15 you were up on the Two Left section
16 subsequent to the ---

17 A. Yes.

18 Q. --- event. And the curtains
19 that we saw in place ---

20 A. Uh-huh (yes).

21 Q. --- were basically --- some of
22 them were already torn down.

23 A. Uh-huh (yes).

24 Q. Do you believe that they were
25 pretty much the way that they were

1 when the section was idle, either on
2 Friday or Saturday?

3 A. No, they tried to barricade
4 with the curtain. If that's what
5 you're asking.

6 Q. Well, which curtains do you
7 believe were installed by the crew,
8 versus the ones that were intact?

9 A. I'm not sure what you're
10 asking.

11 Q. There were some other
12 curtains, other than the curtains
13 associated directly with the
14 barricade on the section. Do you
15 believe that the crew, from your
16 recollection the way the curtains
17 normally would have been on a
18 section, made any other adjustments,
19 other than the curtains associated
20 directly with the barricade?

21 A. I believe that the wind, or,
22 you know, the explosion, thrust of
23 air blew several of the curtains,
24 especially the curtains that went
25 across the intake that would force

1 air up around.

2 Q. Yes.

3 A. I believe that those were
4 blown down by the explosion. And I
5 don't know if that's what you're
6 asking or not.

7 Q. Well, yes, that's part of it.
8 And also, were there any of the other
9 curtains that were there that were
10 still intact, that they were pretty
11 much --- that's the way they had
12 been. Other than the curtains
13 associated with the barricade, the
14 rest of the curtains on the section
15 were probably where they were at the
16 time before the event occurred?

17 A. Well, the mine curtains were
18 blown down. The ends of the mine
19 curtains and stuff were blown down
20 and I believe that they were up. I
21 had people who went up there and told
22 me that the ventilation was just like
23 it should have been.

24 Q. Okay.

25 A. And whenever I went there, it

1 appeared to me that everything was
2 there that should have been there
3 with the exception of a couple line
4 curtains that those guys had taken
5 out of the place, had yanked down out
6 of the place, to take over and try to
7 barricade it, those longer curtains
8 that they had barricaded with.

9 Q. Okay. The victim that was
10 found at the Two Left switch, ---

11 A. Yes, sir.

12 Q. --- there was some discussion
13 as to why he would have been in that
14 particular area at that particular
15 time. As part of his normal work
16 routine, do you know why he may have
17 been in that area?

18 A. In the track rather than at
19 the belt line?

20 Q. Yes.

21 A. Well, my only thinking on that
22 was, he had already put in four
23 hours. You know, he had already been
24 in there probably four hours, fire
25 bossing. He probably come out at

1 least three hours before to go in and
2 fire boss. And he was probably just
3 setting down to have him a sandwich
4 or maybe a drink of water or just
5 resting and then was going to go
6 ahead and walk down the belt to get
7 his bucket, and the explosion
8 happened.

9 Q. Okay. The CO readings, I know
10 you did mention that you went in and
11 you did look at the monitoring system
12 at some point.

13 A. I went in and had a hand-held
14 --- stuck it up against the seals, if
15 that's what you're asking me.

16 Q. I switched gears on you. I'm
17 sorry. Back at the dispatcher
18 shanty, ---

19 A. Oh, yes. Okay.

20 Q. --- at some point you
21 mentioned you went in and you looked
22 at the CO-monitoring system and ---.

23 A. Seal monitoring?

24 Q. CO.

25 A. CO. Okay. I'm sorry.

1 Q. I'm sorry, - - -

2 A. I'm sorry. Okay. I'm
3 understanding you now.

4 Q. - - - I wasn't very clear there.
5 So you did get to see firsthand that
6 some of the readings were high?

7 A. As well as I remember, the
8 highest reading was 117, but it may
9 have been 107. It was something like
10 that. And it was on a lot of them
11 through that area right there.

12 Q. Do you know about when that
13 would have been when you went in
14 there?

15 A. Before noon.

16 Q. Before noon. Okay. At some
17 point, you began - - - or someone began
18 monitoring the gases that were coming
19 out of the return.

20 A. Uh-huh (yes).

21 Q. Were you involved in that at
22 all?

23 A. No. That was handled by the
24 rescue squad. I believe it was the
25 Barbour County Rescue Squad that got

1 there. They were there, I believe,
2 around 11:30 or - - - .

3 Q. Around 11:30?

4 A. Yeah. They were there early.

5 Q. Now, when they came on to the
6 property, did they report to you
7 or - - - ?

8 A. No. Basically, once I saw - - -
9 got going the safety department, Ty
10 and his bunch come in, the ICG people
11 came in and handled this.

12 Q. Okay. And that gets us back
13 to the command center. The command
14 center, when was it - - - do you have
15 an idea when it was approximately - - -
16 when it was formed, about what time
17 of the day?

18 A. I don't remember. It was
19 daylight.

20 Q. It would have been before the
21 teams actually started underground?

22 A. Oh, most assuredly, yes.

23 Q. But you weren't actually part
24 of that command center?

25 A. Well, yeah, I was in and out

1 of the command center.

2 Q. Okay. I don't remember a
3 time.

4 A. The command center, as far as
5 the organization for the company, who
6 would have --- was Ty the one that
7 was in charge of the command center?

8 Q. Well, I thought that Ty was in
9 charge of our end of it.

10 A. Okay. I'm not so sure anybody
11 was in charge, just to be honest with
12 you. I mean, I didn't feel like I
13 was in charge of it.

14 Q. Well, they were working
15 together, ---

16 A. Yeah. Uh-huh (yes).

17 Q. --- I think, at the command
18 center, to make the decisions?

19 A. Yeah.

20 Q. And as far as the decision
21 early on to monitor the gases that
22 was coming out of the turn before it
23 was decided to let the teams go in,
24 were you part of that at all?

25 A. A part of the decision to

1 monitor?

2 Q. To monitor and then to hold
3 the teams up for a period of time
4 until they were comfortable that the
5 gases were reasonable to go in?

6 A. I don't remember having any
7 input in it. They may have said, you
8 know, this is what we're going to do,
9 Carl. Well, you know, I mean, this
10 is my first time, my first rodeo, as
11 far as that. And thank goodness it
12 is.

13 Q. And the mine rescue teams, do
14 you remember --- you didn't notify
15 --- you weren't the one that notified
16 those?

17 A. No, sir.

18 Q. How about the police or EMS?

19 A. No, sir, I didn't handle any
20 of that.

21 Q. Okay. And I believe you did
22 mention that you spoke to Jeff Toler
23 on the telephone. So the telephone
24 system was operative after the event?

25 A. Yes, but I believe that they

1 grabbed the phone here, there and the
2 other, and had stretched it over from
3 the track to the intake because they
4 were working their way in.

5 Q. This would have been Jeff
6 Toler and ---?

7 A. It would have been Jeff Toler
8 and Owie and Dick.

9 Q. Do you know why they did that?

10 A. Because they were going up the
11 intake, and the intake's the safe
12 place to be, rather than the return,
13 because the return is ---. The track
14 is in neutral and the neutral goes
15 outby. So if it were me, I would be
16 working from the intake. I'd be
17 working from a position of strength
18 and a position of good air.

19 Q. In your telephone
20 conversation, did they mention to you
21 what kind of CO readings and methane
22 readings they were getting?

23 A. No, they didn't, but I would
24 assume that they had a meter and was
25 watching the meter, and would say,

1 well, okay, we got high CO here so we
2 have to put this curtain up. And
3 then they'd move into the next one
4 and then they would do the same
5 thing. And they would wait until
6 that CO cleared. If it was me and I
7 was doing it, that's the way I would
8 do it, but how they did, you would
9 have to ask them.

10 Q. Okay. The telephones at the
11 mine, the actual outside Bell
12 telephone service, ---

13 A. Yeah.

14 Q. --- were you aware, was it
15 interrupted at all during the time of
16 the event?

17 A. Only as far as I know, I know
18 that Owie called outside from One
19 Left, on the telephone, the mine
20 phone.

21 Q. The mine phone?

22 A. Right. And I know that they
23 could not get ahold of Two Left after
24 the explosion. That's all I know
25 about it.

1 Q. But I guess I was asking if
2 you know at all about the Bell
3 telephone, the normal telephone that
4 you could call your home from?

5 A. Oh, the Bell telephone?

6 Q. The Bell telephone. Do you
7 know if there was any interruption in
8 that at all?

9 A. I don't know.

10 Q. Did anyone ever talk about
11 that?

12 A. I don't know.

13 Q. And the same with the power
14 interruptions, did anyone mention to
15 you that the power had blinked for a
16 second or ---?

17 A. No, but they mentioned that
18 just as soon as this event occurred,
19 you know, and the COs went off, that
20 the power knocked back to Two Left
21 --- or Two belt head.

22 Q. The power knocked back to Two
23 belt head?

24 A. Yeah.

25 Q. What do you think would have

1 caused that? I mean ---.

2 A. The explosion hitting one of
3 those switches or --- well, we found
4 damaged tile. I'm saying that's what
5 took it out was the damaged tile from
6 the explosion.

7 Q. Okay. I'll switch gears a
8 little bit on you. Are you aware
9 that they did drill a few boreholes
10 into the mine?

11 A. Yes, sir.

12 Q. Were you involved in any of
13 the drilling program?

14 A. No. Brad Phillips came up
15 from Sycamore. And he was basically
16 in charge of that.

17 Q. Early ---.

18 A. Or at least up there with them
19 helping them locate this --- you
20 know ---.

21 Q. Early on, a decision --- was
22 there a decision made, and were you
23 part of it, to drill a borehole into
24 the mine?

25 A. I wasn't part of that

1 decision.

2 Q. So no?

3 A. I don't know. I know I heard
4 them talking about it, but I wasn't
5 part of the decision to do that.

6 Q. At what point in time do you
7 remember that they were talking about
8 drilling a borehole?

9 A. I don't remember. I
10 think - - - .

11 Q. Would it have been earlier,
12 before noon or sometime early
13 afternoon?

14 A. I'm thinking early afternoon,
15 but I honestly don't remember.

16 Q. Okay. So you didn't have any
17 role in basically any drilling or
18 selecting the drilling company?

19 A. No, sir. I heard somebody
20 come in and say, okay, we're going to
21 - - - you know, they're going to drill.
22 And I don't remember when it was.
23 And they said, call Mike Ross.

24 Q. Mike Ross?

25 A. Right. Mike Ross.

1 Q. And who's Mike Ross?

2 A. He's the guy that's over - - -
3 he used to be one of our state
4 representatives and lives over around
5 Colton. And he has some drilling
6 rigs, I guess.

7 Q. Okay. But you didn't call
8 Mike Ross?

9 A. No, sir, I had nothing then to
10 call him.

11 Q. Okay. I think I may have
12 asked you, in the decision to first
13 send the mine rescue teams
14 underground, there was a period of
15 time when they were evaluating the
16 gases. Were you part of that
17 evaluation or the decision to send
18 the teams underground?

19 A. I don't remember being part of
20 it. They may have said, okay, Carl,
21 we're going to send them underground.
22 Personally, I wondered why we didn't
23 send them under before, but I don't
24 know why. I don't know why or what
25 their procedures are in a case like

1 this. Unfortunately I have no
2 knowledge of mine rescue work.

3 Q. That's fine. This is just a
4 series of questions to try and
5 establish why --- you know, what went
6 on that day. When they finally did
7 go underground, ---

8 A. Uh-huh (yes).

9 Q. --- and they traveled into the
10 mine, was there any area that they
11 first encountered where there was
12 water? Are you familiar with that?

13 A. Well, I ---.

14 Q. I believe there was an area
15 that they may have started a pump,
16 put some power on to it.

17 A. Okay. We did --- I think the
18 second team went up to One tail. And
19 they were asking me --- during this
20 period of time, okay, I told them we
21 need to run this pump, because if we
22 don't run this pump, it will shut our
23 return off. And so they started the
24 pump at One tail.

25 Q. Okay. So there was a period

1 of time that ---?

2 A. That pump was off, yes.

3 Q. And the water ---?

4 A. Dick, on his way out, pulled
5 the power.

6 Q. He removed the power from the
7 old mine?

8 A. He removed the power from
9 Second Left out --- or not from
10 Second Left, from the tail One.
11 There's a mine splitter right there
12 at Number Two head.

13 Q. Okay.

14 A. And he knocked the mine
15 splitter at Two head on his way out.

16 Q. Which would have de-energized
17 that pump?

18 A. Yes, sir. It would have
19 de-energized that pump. It had
20 de-energized --- he was afraid the
21 levels might be too high for that
22 pump, I guess.

23 Q. How long would it have taken
24 to flood that return out, based on
25 your estimation of that area?

1 A. Well, I used to think the
2 mines would flood out in two or three
3 weeks, but I got proved wrong on
4 that, I think a lot of people did.
5 But if that thing is down 24 hours,
6 we're going to be hurting because of
7 the amount of water that will come
8 out of the old seals that are down
9 there.

10 Q. So you believe ---?

11 A. I believed that if you want to
12 keep that return open, we needed to
13 get that thing running within 12
14 hours, so I could keep up with what
15 water was coming out of there and I
16 wouldn't have to gain back on it.

17 Q. So there was a concern, that
18 you were part of, ---

19 A. I was part of that, yes, sir.

20 Q. --- that if we would have
21 continued on without pumping the
22 water, possibly ---?

23 A. Well, without starting the
24 pump.

25 Q. Without starting ---.

1 A. Not necessarily without
2 pumping the water. I think it would
3 have taken a day to two days to shut
4 the return down. But the starting of
5 the pump --- well, I was very adamant
6 that we start that pump.

7 Q. Okay. So you were part of the
8 command center, at least advising
9 them at this point?

10 A. Right. Basically, that's all
11 I did with the command center, was
12 come in and set in and advise when I
13 was asked a specific question.

14 Q. Okay. As they continued into
15 the mine, there were some areas of
16 the mine that the mine rescue team,
17 through the command center, elected
18 to bypass as they continued down the
19 mains. And I believe the first area
20 would have been One Right. Did you
21 advise the command center anything on
22 that decision?

23 A. I don't remember advising them
24 on it, but as far as I was concerned,
25 they could go to One Left without any

1 problem.

2 Q. Okay. So as far --- you
3 weren't involved, though, in the
4 decision ---?

5 A. I don't remember being
6 involved in that.

7 Q. And the same thing goes for
8 Second Right? Isn't there a Second
9 Right?

10 A. Oh, yeah, that little section
11 of Second Right, yes, as far as I'm
12 concerned, that was no problem. That
13 was no problem.

14 Q. Okay. But they didn't
15 specifically come consult you, as you
16 remember?

17 A. Not that I remember.

18 Q. Okay.

19 A. Like I said, it all became a
20 blur after a while.

21 Q. On the power, there was some
22 question later on in the efforts by
23 the mine rescue teams about the
24 CO-monitoring system and whether or
25 not the power was on or not on. I

1 believe the light was seen on one of
2 the instruments. Do you recall that?

3 A. Uh-huh (yes).

4 Q. Do you know --- can you
5 describe whether the power was on or
6 off of the CO-monitoring system and
7 who was involved in that decision?

8 A. The power was off, but it has
9 a battery backup. And that's as much
10 as I know about it.

11 Q. So the light was just ---?

12 A. The light was a battery
13 backup, yes, sir.

14 Q. Were you involved at all in
15 the decision --- when we reached ---
16 the mine rescue team reached One
17 Left, ---

18 A. Uh-huh (yes).

19 Q. --- and they decided to check
20 One Left and not explore it, were you
21 involved in any discussions on that?

22 A. No, I wasn't involved in that.
23 I remember that discussion being they
24 --- they didn't --- they, as being
25 whoever was head of Consol's Rescue

1 Team, I believe he was in there quite
2 a bit. I think that's who it was.
3 And everybody kind of got together
4 and said, well, we don't feel
5 comfortable going in by that point
6 without checking here first. So
7 consequently they checked there
8 first.

9 Q. Okay. Did you provide any
10 input with that?

11 A. No. I don't believe I did.
12 No. I wasn't concerned with Two Left
13 --- or with One Left, with what Jeff
14 and them had told me about being up
15 to that point, and there not being
16 any burnt wedges or any burnt timbers
17 or anything laying around that was
18 burnt, and the way the stoppings were
19 blown. By that time I had pretty
20 much come to the conclusion that it
21 had come from the seals, but you
22 don't know that for sure. It's a
23 remote possibility that it came from
24 the section, but I'd just be
25 guessing.

1 Q. Sure. I think there was ---.
2 I don't think anybody knew. I think
3 there was a lot of trying to figure
4 out what happened at that point in
5 time.

6 A. I think we're still trying to
7 figure it out.

8 Q. That's why we're here today.

9 A. Uh-huh (yes).

10 Q. And Second Left, and of course
11 when we got --- when the teams got to
12 the intersection of Second Left, ---

13 A. Uh-huh (yes).

14 Q. --- there was some discussion
15 as to what direction they should go
16 and what should be done at that
17 point. Were you involved in any of
18 those discussions?

19 A. I didn't have any input in it.
20 I may have been there. But at this
21 time --- at this time you're looking
22 at I've been up since early that
23 morning, eight o'clock that morning
24 on Monday, and by this time we're
25 probably into late Tuesday. And I

1 haven't gone home, I haven't slept.
2 I went out to the car a couple times
3 and tried to sleep, but it didn't
4 work.

5 Q. I'll just go over some of
6 these things, trying to jog your
7 memory. The decision was ultimately
8 to check where the seal's location
9 was.

10 A. Yeah, they did. They decided
11 to go in there. And I remember them
12 --- I was there. I remember them as
13 they went in said, well, we're going
14 in to a big high area. And I believe
15 I stated that, hey, you know, well,
16 you're going in --- you're past the
17 seals, you're past that point. Those
18 seals are gone. Because you're going
19 into the bottom mined area.

20 Q. Okay. I believe after they
21 explored all the seals, do you recall
22 where they headed next, after they
23 completed that?

24 A. Well, I believe that they went
25 down into Two Left. I mean, that

1 would be the next point that you
2 would go to.

3 Q. Okay.

4 A. I don't remember when that
5 push was made or how soon it was
6 made, probably an hour, two hours,
7 three hours after that. There was
8 some point where they were drilling
9 and they had took everybody out of
10 the mines.

11 Q. Do you recall a period of time
12 when there was some discussion as to
13 whether there was power on the
14 CO-monitoring system and it was
15 decided to pull the teams at the mine
16 while the drill hole was being ---?

17 A. Yeah. I didn't realize --- I
18 didn't know why they pulled it. I
19 didn't realize that the power on the
20 COs is the reason they pulled them.
21 I thought they just pulled them
22 because they was afraid they could
23 come down the screen, in a screened
24 area and that it would make a spark
25 on the screen or on a roof bolt as it

1 came through. I mean, that's why I
2 thought they took them out.

3 Q. Okay. When they went up into
4 Second Left and they found the empty
5 mantrip, and subsequent to that there
6 was a decision, based on the other
7 information they had obtained to make
8 a run to the face of the section.
9 And in doing that, that was quite a
10 distance they were going to have to
11 go. And there was going to be some
12 communication lapse to do that. Were
13 you involved in that decision to make
14 that run to the face?

15 A. No, I don't believe I was.
16 This was real close to the time that
17 they found the people. I was out in
18 the car trying to sleep --- trying to
19 sleep at the time that they found
20 those people.

21 Q. Okay.

22 A. So, you know, I might have
23 been there at that time. I don't
24 remember.

25 Q. Okay.

1 A. But if we're getting real
2 close to that time, why then I was
3 out in the truck. I was out in the
4 truck trying to sleep.

5 Q. Do you remember what the last
6 thing was going on in the command
7 center, right before you left?

8 A. I think we were trying to make
9 that decision.

10 Q. Okay.

11 A. Or at that time, I think I was
12 going to get something to eat. And
13 somebody said, you better --- you go
14 get some sleep.

15 Q. Okay. Did you subsequently
16 come back into the command center
17 when they found the miners?

18 A. Yeah.

19 Q. Were you in the command center
20 when the information came out that
21 all the miners were alive?

22 A. No, I was outside in the car.
23 And I heard the hoopla, the oh, boy,
24 oh, boy. And of course they had
25 found them. Of course I was hugging

1 everybody I could find to hug. Of
2 course then it came back, well, no,
3 it was 11 and 1.

4 Q. Were you in the command center
5 when that ---?

6 A. Yeah, I was real close at that
7 point. And then I was in the command
8 center when it was 1 and 11.

9 Q. Oh, you were in there
10 when ---?

11 A. Yeah. Jeff and I were arguing
12 which one was going to have to stay
13 there, because he wanted to go in and
14 get Junior then. That's Junior, his
15 uncle, who was a foreman on that
16 crew. So he wanted to be a part of
17 going in. But Ty said --- Ty or
18 somebody said, no, one of you two has
19 to stay here, in case we have any
20 questions, so I got elected to stay
21 there. So I was there whenever that
22 was going on.

23 Q. Do you recall any of that
24 conversation when they called out?

25 A. Yeah. He said, no, you don't

1 understand, it's 11 items and 1
2 survivor. And then he said --- they
3 said, well, what happened, say that
4 again. And they said it again. And
5 then forget the jargon, the item bit,
6 give me exact --- you know, how many
7 people do we have alive, how many
8 people do we have deceased. He said,
9 11 deceased and 1 alive. And of
10 course Jeff and those guys were
11 already taken off inside, them and
12 everybody else, the doctors and
13 everybody you could imagine was
14 trying to, you know, going in because
15 they thought they were just going to
16 have 12 very sick coal miners coming
17 out. And of course when we found out
18 that it was the other way around,
19 then the guy said, well, what in the
20 world happened on the --- you know,
21 what happened? Why did you call us
22 out? And he said, I'll explain it
23 later.

24 Q. And that was pretty much the
25 end of the conversation?

1 A. That was pretty much the end
2 of the conversation.

3 Q. Okay. Since that time you've
4 had an opportunity to go back into
5 the mine and look at the mine and the
6 conditions of the mine and compare
7 what it was before to what you saw
8 afterwards.

9 A. Uh-huh (yes).

10 Q. What do you think happened on
11 that morning, on the 2nd?

12 A. I believe the lightning came
13 down in behind the seals, exploded
14 the methane. And I believe that it
15 hit the seals the first time. The
16 seals held, it bounced back against
17 the face of the --- of Four belt.
18 And when it come out, it come out
19 double strength and ripped the seals
20 and everything else. And if I hadn't
21 had the rock dusting and stuff done
22 like it was supposed to be, there
23 would have been 14 more dead.

24 Q. So do you think methane was
25 involved, methane was what was

1 ignited?

2 A. I believe so.

3 Q. Do you think coal dust had a
4 factor in any of that?

5 A. There wasn't any burning.
6 There wasn't that much burning. You
7 see the blue haze on the top like
8 where rock dust has been burnt, but
9 you find very little curtain, very
10 little wedges burnt. And two or
11 three weeks earlier, I had been down
12 to a thing at Beckley, going through
13 the school down there.

14 Q. At the National Mine Academy?

15 A. Yes, the National Mine
16 Academy. And they showed what just
17 teaspoons of dust did to this. And
18 you guys rattled windows for, you
19 know, seven, eight miles around. And
20 there's almost no way that dust had
21 anything in this. It was pure
22 methane. I don't believe that there
23 was any dust whatsoever. I honestly
24 don't. I just feel that if it had
25 have been, even the dust I had and

1 the water that maybe had accumulated
2 here, there and yonder, it wouldn't
3 have put it out, not with the little
4 bit --- the little bit of dust or
5 float dust that it takes to really
6 profugate (sic) an explosion.

7 I think you guys pretty well
8 proved that with your little
9 teaspoons of stuff, you know, on
10 those beams and stuff, you know, the
11 way they did that. That was very
12 little dust that was put there.

13 Q. The actual ignition of the
14 methane, what do you think actually
15 ignited the methane?

16 A. Somehow a lightning strike got
17 in there and got down into the ---
18 and just happened to hit the right
19 mixture of gas and air.

20 Q. Do you have any idea how it
21 might had gotten back there?

22 A. I wish I did. I'd sure like
23 to be the guy that finds it.

24 Q. There was some question as to
25 the seals themselves. And of course

1 you were able to see the remnants of
2 the seals?

3 A. Yes, sir.

4 Q. Why do you think the seals
5 ended up in the condition that they
6 were?

7 A. Because of the violence of the
8 explosion. I feel the PSI was above
9 what any seal would have stood.

10 Q. Do you think that's what
11 resulted in the small pieces of
12 seal - - -

13 A. Yes, sir.

14 Q. - - - that were scattered?

15 A. Yes, sir, I do. I feel that
16 the length that those crib blocks
17 were thrown - - - the seal in the track
18 entry, you had a seal, you had a
19 block wall, two breaks, another block
20 wall. It went through both block
21 walls - - - the seals, two block walls.
22 And one break down, picked up a
23 charger that weighed 1,500 pounds and
24 threw it down the entry for 120 feet,
25 through a belt that was laying in the

1 middle of the track up on a steel
2 arch that was another four breaks
3 down there, and tore up an overcast,
4 bent four-inch beams in a J-hook
5 shape down there, and threw it down
6 almost to where those other guys were
7 on the mantrip. And I think that it
8 was a pretty violent explosion.

9 Q. You had mentioned about the
10 seals. If I can get you to come over
11 to one of the maps that we have.

12 A. Sure.

13 MR. UROSEK:

14 This is the first
15 exhibit? Fourth exhibit.

16 BY MR. UROSEK:

17 Q. This is a map of the seal.

18 ATTORNEY KILPATRICK:

19 Mr. Swentosky, the
20 microphone.

21 MR. SWENTOSKY:

22 Would you folks stop
23 just for a minute until I get
24 this microphone over there, so
25 if anybody wants to mumble,

1 the court reporter can even
2 pick that up. Sorry about
3 that.

4 BY MR. UROSEK:

5 Q. Carl, I don't know if I have
6 this backwards for you, or whatever's
7 easier. But you had mentioned about
8 the seals and it has just reminded me
9 of a question that I had wanted to
10 ask you. You had mentioned there
11 were a number of cribs.

12 A. Uh-huh (yes).

13 Q. And, in fact, there was also a
14 discussion of possibly stoppings that
15 were located inby the ---

16 A. Yes, sir.

17 Q. --- seals themselves. Would
18 you mind taking this purple marker.
19 And to the best that you can recall,
20 mark where you think or you remember
21 the cribs would have been prior to
22 the explosion.

23 A. Each and every seal, you want
24 me to mark all of them?

25 Q. Yes, if you don't mind. At

1 what point is, inby and outby, each
2 seal location, ---

3 A. There are two cribs.

4 Q. --- just draw square blocks
5 which indicates that there were cribs
6 there.

7 WITNESS COMPLIES

8 MR. UROSEK:

9 What he's drawing on
10 --- this is the Number Nine
11 entry. There are some
12 additional cribs along the
13 right and left rib.

14 A. Okay. These are the cribs
15 where we're talking --- where we set
16 --- after the seals had been built,
17 we had them put a cutter that was
18 right here, so we built these here to
19 make sure that the seals would all
20 stand.

21 BY MR. UROSEK:

22 Q. And then mentioned then the
23 seals --- the cribs that were
24 outby ---

25 A. Yeah, that's the outby.

1 Q. --- the seal of the Number
2 Nine entry. You've indicated that in
3 addition to the two that are located
4 just outby the seal, there were an
5 additional six ---?

6 A. Six or seven.

7 Q. Six or seven were in that
8 location?

9 A. Then there was a line of seals
10 --- or a line of cribs back here that
11 had the steel piping.

12 Q. What you're indicating there
13 is there are four --- it looks like
14 four cribs?

15 A. Yeah. I think there was four,
16 but I'm not for sure that I remember.

17 Q. But they're along the left rib
18 looking into the seal along the rib?

19 A. Yeah.

20 Q. And you indicated that the
21 sampling pipe was tied to those?

22 A. The sampling pipe was run
23 through right there. And they
24 supported the two-inch steel pipe.
25 And there was a copper pipe in the

1 middle, about a half inch low copper
2 pipe, which was restricted to crib.

3 Q. Okay.

4 A. And it stuck out in the back,
5 right here where it's supposed to
6 stick out in the back right there. I
7 did not form those seals, but I'm
8 sure it did.

9 Q. And what you're indicating is
10 inby in the seal, somewhere near ---

11 A. Right.

12 Q. --- by 3958?

13 A. Correct.

14 Q. And that would be inby the
15 side of the pipe.

16 A. And then the outby side, this
17 is the one with the sample tubing.

18 Q. Now, at the end of that, did
19 it have a valve on the copper pipe?

20 A. Yeah, it has a half-inch
21 valve, ball valve.

22 Q. Did you actually see this pipe
23 installed?

24 A. Did I watch the pipe being
25 installed?

1 Q. Or did you ever see it or
2 signs of it?

3 A. I saw this side of it.

4 Q. Okay. And how was it attached
5 --- or do you know, how was it
6 attached to the cribs?

7 A. I don't remember.

8 MR. CRAWFORD:

9 When you said you saw
10 this side of it ---?

11 A. I didn't see the back side.

12 BY MR. UROSEK:

13 Q. You saw the outby side?

14 A. Yeah. I just the --- I just
15 saw the pipe sticking through.

16 Q. But you did not see the inby
17 side because it was behind the seals?

18 A. No, sir, I did not.

19 Q. Okay. And as far as you know,
20 that pipe, there were two joints of
21 pipe; is that correct?

22 A. Yeah. There was 20-foot
23 joints.

24 Q. And they were screwed
25 together?

1 A. Yeah, with a couplet.

2 Q. With a couplet?

3 A. Yes, sir.

4 Q. Do you recall seeing those

5 pipes after the event?

6 A. No, sir.

7 Q. They were separated?

8 A. Yes, sir, they were separated.

9 Q. And they appeared to be

10 unscrewed?

11 A. They appeared to be unscrewed.

12 Q. Any thoughts on that?

13 A. Somebody didn't screw it in

14 far enough, it looked to me like. I

15 mean, but the protection I'm sure was

16 still there.

17 Q. Okay. And inby the seals

18 themselves, ---

19 A. Uh-huh (yes).

20 Q. --- there are stoppings in,

21 for example, between Eight and Nine

22 entry between spad 3958 and 3959.

23 Would those stoppings have been

24 removed prior to this?

25 A. I'm not sure. I think that

1 one was probably removed when we were
2 building the seals.

3 Q. Could you circle that one and
4 just mark it?

5 A. I'll just put a question mark,
6 because I don't know whether it was
7 sealed or not.

8 Q. Okay.

9 A. I don't know. Know when we
10 were constructing the seals, we had a
11 stopping here.

12 Q. And the location you're
13 pointing to ---

14 A. Yeah.

15 Q. --- is between Eight and Nine
16 entry ---

17 A. Right.

18 Q. --- and across the ---

19 A. Right.

20 Q. --- just outby the seals?

21 A. Right. What we were doing was
22 we were bringing the air over to
23 here, ---

24 Q. So the ---.

25 A. --- bringing it all the way up

1 around. We came back down here and
2 then went down an old return and went
3 down this way right here, down in the
4 mine.

5 Q. Okay. Let's try to describe
6 that with entries. So correct me if
7 I get it wrong.

8 A. Okay.

9 Q. The air was coming up the
10 Number Eight entry; is that correct?

11 A. Well, the air was coming up
12 Seven - - - Seven and Eight.

13 Q. Seven and Eight.

14 A. Seven and Eight.

15 Q. It came across the front where
16 the seals are located?

17 A. It came across the front of
18 where the seals were getting ready to
19 be built.

20 Q. Getting ready to be built.
21 And were there stoppings constructed
22 where - - -

23 A. Yeah.

24 Q. - - - these seals were located?

25 A. Just inby there were

1 stoppings.

2 Q. Just inby each of the seal
3 locations, each one of the stoppings?

4 A. Each one of the seals, right.

5 Q. Each one of the seals.

6 A. And then right here and then
7 right here.

8 Q. And the inby ---?

9 A. And the only open one would
10 have been Number One.

11 Q. Those would have been --- the
12 two that you just mentioned would
13 have been seal Number Three and seal
14 Number Two?

15 A. Right.

16 Q. And where seal Number One is
17 located, there was ---?

18 A. Was located was wide open.

19 Q. Was wide open?

20 A. Yes, sir.

21 Q. So the air would have come
22 across the front where the seals are
23 located or just outby where the seals
24 are located, ---

25 A. Uh-huh (yes).

1 Q. --- would have gone into the
2 area of the Number One entry?

3 A. Yeah.

4 Q. And then it would have ---
5 where would it have gone from there?

6 A. It would have had to go up
7 right here.

8 Q. Which would have been the ---?

9 A. Number One and Number Two.

10 Q. Number One ---?

11 A. Of old Two Left.

12 Q. Of old Two Left. It would
13 have traveled up those entries?

14 A. Right. And then it goes clear
15 up to the EP point ---.

16 Q. All the way to the back of the
17 panel?

18 A. Right. And then comes all the
19 way down.

20 Q. And then it would have came
21 back out of the old Two Left?

22 A. Right. Out of the old Two
23 Left and down Number Nine of Number
24 Four belt.

25 Q. And the air would have exited

1 the area through the Number Nine - - -
2 where the Number Nine seal is
3 located?

4 A. Yeah, where the Number Nine
5 seals were. And of course this one
6 in here, once we changed this all in
7 the common end, you know, then the
8 air came up here.

9 Q. And you're indicating that the
10 stopping that you - - -

11 A. Right, that stopping - - -.

12 Q. - - - had indicating that it
13 would be between Eight and Nine would
14 be removed?

15 A. Would be removed, right.

16 Q. And the air would be coming up
17 the intake entries, across the front
18 of the seals?

19 A. Across the front of the seals,
20 each one of the seals. There's a
21 catty-corner stopping across Number
22 Two.

23 Q. Across Number Two entry?

24 A. Right.

25 Q. Near spad 3957?

1 A. Right. And the air goes inby
2 and sweeps these two seals, ---

3 Q. Which would be the Number One
4 and Number Two seals?

5 A. --- right, and then it comes
6 back outby and comes over ---.

7 Q. Down Number One entry and then
8 over the Number Two entry and then
9 back up across the overcast?

10 A. Right.

11 MR. UROSEK:

12 Okay. John, do you
13 have any questions while we're
14 on this area?

15 MR. COLLINS:

16 No.

17 MR. UROSEK:

18 Okay. Thank you.

19 Does the state have any
20 questions that they would like
21 to ask at this point?

22 MR. COLLINS:

23 No, we don't. Thanks,
24 John.

25 MR. UROSEK:

1 I'd like to take a
2 five-minute break.

3 MR. SWENTOSKY:

4 Okay.

5 MR. UROSEK:

6 Before we take that
7 break, can we mark this map as
8 an exhibit?

9 (Crumrine Exhibit Four
10 marked for
11 identification.)

12 SHORT BREAK TAKEN

13 MR. SWENTOSKY:

14 I am back, Dennis
15 Swentosky.

16 A. Yes, sir.

17 BY MR. SWENTOSKY:

18 Q. Okay. Let's talk about
19 training for a few minutes.

20 A. Okay.

21 Q. Do you recall the last annual
22 retraining class that you
23 participated in?

24 A. March 17th was when I was
25 hired on.

1 Q. Okay. And as part of --- did
2 you have annual retraining?

3 A. Yeah. Al Schoonover gave it
4 to me personally.

5 Q. Okay. And you were the only
6 one that particular day?

7 A. Yes.

8 Q. What did he cover during that
9 training session?

10 A. Roof control, ventilation. He
11 didn't have to cover first aid,
12 because I was an EMT. He just went
13 over general things that you go over,
14 you know, in that class. He went
15 over a couple violations that we had
16 gotten and stuff to look for, went
17 over, you know, what they expected as
18 far as their roof control and their
19 cleanup plans.

20 Q. Okay. Did he sign a 5023
21 form? You're familiar with that?

22 A. Yes.

23 Q. I think that's what it was
24 called. And he signed that and you
25 signed it?

1 A. Yes, sir.

2 Q. Okay. Did he go over the
3 firefighting evacuation plan?

4 A. Yes, sir. I always like to
5 know when I move from mine to mine if
6 there is any difference, you know.
7 And do we have --- from different
8 mines you have different amounts of
9 personnel and you have different
10 duties that people were supposed to
11 do whenever they go for firefighting
12 --- or, you know, they're fighting a
13 fire.

14 Q. Okay. Who is the responsible
15 person as far --- as it relates to
16 the firefighting evacuation plan at
17 the Sago Mine?

18 A. The section foreman. If
19 you're asking during a fire drill,
20 the section foreman would be in
21 charge until the ---. In his
22 absence, then the mechanic takes
23 over.

24 Q. Okay. But what I was meaning
25 is, in the firefighting evacuation

1 plan there's a responsible person who
2 takes charge in the event of an
3 emergency fire or explosion and
4 conducts the evacuation of the mine.

5 A. They have that list of people
6 that are outside on the wall. You
7 know, basically, they notify me. And
8 even if I --- or the people in charge
9 that are outside.

10 Q. Okay. Do you recall seeing
11 any firefighting evacuation plan, a
12 listing of who the responsible person
13 is that would conduct the evacuation
14 of the mine in case of a fire or
15 explosion, water inundations?

16 A. As far as the --- the
17 dispatcher's in charge of getting the
18 people out. You know, he has a map
19 on the wall. And if you call and
20 tell him where you are, he can tell
21 --- you know, and what you have, he
22 can tell you how to evacuate the
23 mines.

24 Q. Okay. Is he the one that
25 takes over whenever that --- when the

1 explosion occurs?

2 A. He's the one who's handling
3 the phone. He would call Jeff or me
4 or somebody and get us over there
5 because that's an excitable position.
6 You know, you want to make sure
7 you're right, so the more people ---
8 you know, the more people that are in
9 charge over there, the better off you
10 area.

11 Q. Do you know where the
12 emergency materials are located?

13 A. Yes, sir. I put them there.

14 Q. Okay. Where's that at?

15 A. Forty-four (44) block.

16 Q. Forty-four (44) block. Okay.
17 Thank you.

18 A. That's the barricading
19 material.

20 Q. Yes.

21 A. I think after you get in so
22 far in the coal mines, that you have
23 to establish a ---.

24 Q. Okay. And we're talking about
25 training. Did anyone explain to you

1 the procedures that you're to follow
2 in case of an explosion?

3 A. Well, that would be in
4 firefighting. That would be in
5 evacuation. You get everybody in the
6 fresh air and go from there, yes,
7 sir. Make sure everybody's there.
8 And if you have to go through smoke,
9 you tie --- everybody knows to hold
10 on to each other, whether you use a
11 rope or whether you grab your belt.

12 Q. Was barricading part of the
13 training that you received?

14 A. Yeah. You need to barricade
15 enough area. You know, you wouldn't
16 want to barricade CO. If you were
17 --- and CO, at a certain point, you'd
18 want to go as far as you could and
19 get as much oxygen as you could.

20 Q. Okay. Did they talk about
21 when you should barricade and when
22 you shouldn't?

23 A. Barricading is supposed to be
24 your last resort.

25 Q. And I would assume that you're

1 certified for methane and oxygen
2 tests?

3 A. Yes, sir.

4 Q. Okay. And during the
5 training, did they discuss the carbon
6 monoxide --- hazards of carbon
7 monoxide?

8 A. Yes, colorless, odorless,
9 poisonous gas that the lungs accept
10 better than oxygen. They force the
11 brain into thinking it's got plenty
12 of oxygen. In other words, your
13 blood cells, your capillaries, will
14 take the CO before it will take
15 oxygen.

16 Q. And do you have fire drills at
17 the Sago Mine?

18 A. Each section is supposed to
19 have their own --- you know, their
20 own fire drill every six weeks.
21 Well, you're supposed to go --- an
22 escapeway drill every six weeks. And
23 you're supposed to do another
24 escapeway and a fire drill every 12
25 weeks.

1 Q. And do you see that that's
2 done - - - ?

3 A. Yes, sir. Absolutely. I went
4 in and I keep an eye on the books.
5 And whenever everybody starts to
6 getting - - - starts getting close on
7 their fire drills, I say, hey,
8 fellas, if you haven't had a fire
9 drill, it's time.

10 Q. Did you ever take part in one
11 of those fire drills?

12 A. Yeah, at the Sago Mines I've
13 led a few fire drills, you know,
14 outby people and stuff like that.
15 You know, I say, okay, fellows, what
16 if we have a fire right here? You
17 know, the first thing you do, you
18 make sure you're in fresh air, this,
19 that and the other.

20 Q. As part of your training do
21 you receive SCSR training?

22 A. Oh, yes, sir.

23 Q. And where was that that you
24 received it?

25 A. Right in the office there, at

1 --- he has a training module.

2 Q. Is that at Sago Mines?

3 A. At Sago Mine, yes, sir.

4 Q. Okay. When was the last time
5 that occurred?

6 A. March 17th, I guess. I mean
7 --- well, no, as a matter of fact, it
8 was just not very long ago. It was
9 about three days ago he went over
10 that with everybody.

11 Q. Okay. But I meant prior to
12 the accident.

13 A. It's a yearly thing done.
14 They do it once a year.

15 Q. So that would have been on
16 March 17th, ---

17 A. Yes, sir.

18 Q. --- you received the training?

19 A. That would have been when I
20 received that.

21 Q. Who was instructing that?

22 A. Al.

23 Q. Al Schoonover?

24 A. Yes, sir, Al Schoonover.

25 Q. And how was that conducted,

1 that training of the SCSR? What did
2 you have to do to ---?

3 A. Well, first of all, he shows
4 you how to test the SCSR. And it has
5 to be tested daily. You check the
6 bottom, make sure it's blue not
7 green. And the top, little eyelet,
8 make sure it's blue not green. That
9 means it's good. You pop the sides
10 on it. You bring the unit out, you
11 put it across your neck. You put
12 your goggles on your arm, you hit the
13 actuating button.

14 Generally, the bladder will
15 fall out. And you got your nose
16 clips and your mouth, you breathe
17 into it to get the thing, you know,
18 to going. And then put your nose
19 clips on and adjust your neck strap,
20 so you know it's not bouncing against
21 you like this. And then you hook it
22 around here and put your goggles on
23 and put your hat back on and go.

24 Q. Okay. You said you breathe
25 into it to get it started, but ---?

1 A. You blow into it.

2 Q. Okay.

3 A. But there's actually a button
4 you turn on.

5 Q. A button?

6 A. No, a lever.

7 Q. A cord like?

8 A. Yeah, there's a cord. There's
9 a cord or a lever on it, I forget
10 which it is. I'd know if I saw it
11 real quick. There's a cord that, you
12 know, you pull out of the hose. And
13 then there's a lever or something you
14 pull down there. I think it's a
15 cord, now that you mention it. I
16 forgot which it was.

17 Q. When ventilation changes are
18 made, ---

19 A. Uh-huh (yes).

20 Q. --- what procedures do you
21 use?

22 A. Anybody that's not involved in
23 the ventilation has to be outby, has
24 to be out of the mines. And then you
25 make the ventilation change which you

1 can make it in small changes as long
2 as it's not over all --- I think it's
3 over 5,000 or 6,000 or 7,000,
4 something like that, as far as a
5 change. I don't think that, you
6 know, that's considered a change.

7 Q. When you say you're making
8 small changes, what do you mean?

9 A. Less than 7,000 CFN.

10 Q. Okay. And you do it in
11 graduations, like over a period of
12 time?

13 A. You could. I'm saying you
14 could, I didn't say we did. I said
15 you could.

16 Q. Okay. Any time you've made
17 ventilation changes, you ---?

18 A. We had people out, as far as I
19 know.

20 Q. When there's a ventilation
21 change, do you review it with the ---
22 if it affects the miners or any
23 escapeway changes or anything like
24 that, ---

25 A. Sure.

1 Q. --- do you review it with them
2 before you do it?

3 A. Sure.

4 Q. Do you think the training that
5 you received was adequate?

6 A. Yes, I do.

7 Q. Is there anything that should
8 be added to the training that you can
9 think of?

10 A. That's a good question. I
11 think that people should --- and I've
12 heard people tell this to other
13 people before. Okay, if you're
14 barricading yourself and you have an
15 oxygen tank, take that oxygen tank
16 with you. I think that that's a good
17 thing to tell people. A tire has air
18 in it. It's not very good air, but
19 at least it's better air than --- if
20 you run out of oxygen, it's better
21 air than you'd have. And, you know,
22 just think when you are barricading,
23 make sure you're barricading enough.
24 You know, I'm sure this stuff is gone
25 over, but, you know, I'd like to see

1 it emphasized as far as that goes.
2 Because I know we saw two oxygen
3 tanks on the back on the sled down at
4 the end of the track that hadn't
5 been used. I was a little bit
6 disturbed with that.

7 Q. Anything else?

8 A. No, sir.

9 MR. SWENTOSKY:

10 Do you have anything
11 else?

12 MR. COLLINS:

13 Yes. If I might, just
14 a second, please.

15 MR. SWENTOSKY:

16 Sure.

17 BY MR. COLLINS:

18 Q. Mr. Crumrine, if I could, I
19 believe you said later (sic) that you
20 believed that the explosion occurred
21 behind the seals?

22 A. Yes, sir.

23 Q. And you said that you believed
24 that lightning caused that?

25 A. Yes, sir, I do.

1 Q. Do you have any idea how the
2 lightning got into that area?

3 A. No, sir. I wish I did.

4 Q. And then I think you said that
5 when you were talking about the
6 miscommunication or whatever that
7 was, about these people being alive
8 or not?

9 A. Yes, sir.

10 Q. Then the person that reported
11 that, no, we have 11 deceased and 1
12 survivor, and I'll explain that to
13 you when I get outside. Did anyone
14 ever explain that to you?

15 A. It was never explained to me.
16 He was talking to --- the guy that
17 was talking to him was either one of
18 the heads of the teams or it was one
19 of the MSHA guys he was talking to.
20 And they asked him to repeat it
21 several times because we didn't want
22 to give out any misinformation. And
23 that's a lot the reason that those
24 people at the church didn't get any
25 information for that period of time,

1 because we wanted to make sure and
2 send people back to make sure that
3 that's what we were telling them. We
4 didn't want to give them any
5 misinformation.

6 And I think that the
7 misinformation probably came from ---
8 it had probably wrote on the curtain
9 12 alive. And they looked over there
10 and saw that on the curtain, 12
11 alive. I mean, that's what you're
12 supposed to do when you barricade,
13 you know, I have so many people in
14 here alive. And I think that
15 somebody looked at that and said that
16 and then they said, no, it's 11 and
17 1. And we assumed they meant 11
18 living and 1 deceased.

19 Q. Did you see that information
20 on that curtain?

21 A. I never saw that information.

22 Q. Did anyone tell you that
23 information was on that curtain?

24 A. No. I think I just assumed
25 it. That's the only way that could

1 have happened. That somebody would
2 have said, we have 12 alive. That
3 would have been my only assumption of
4 why that would have been like that.
5 And it is nothing but an assumption.
6 Maybe I shouldn't have even brought
7 it up.

8 MR. COLLINS:

9 That's okay. All
10 right. Thank you very much,
11 Carl. I appreciate it.

12 BY MR. SWENTOSKY:

13 Q. Have you ever been searched
14 for smoking articles?

15 A. Yes. And I have searched
16 people for smoking articles.

17 Q. And how do you do that?

18 A. Pat them down.

19 Q. Have you ever observed anyone
20 smoking in the underground mine?

21 A. Absolutely not.

22 Q. Have you ever found any
23 smoking articles underground?

24 A. In any time during underground
25 mining or just at Sago?

1 Q. Any time.

2 A. I have seen --- I've had some
3 people bring to me different times,
4 Carl, this cigarette fell out of such
5 and such, you know, here take it, get
6 rid of it, I don't want it, it wasn't
7 mine. You know, somebody --- it
8 probably just dropped out of
9 somebody's pocket.

10 Q. But not at Sago Mine?

11 A. Not at Sago, no, sir.

12 Q. Has anyone offered you
13 anything or made any promise to you
14 in exchange for your appearance here
15 today?

16 A. No.

17 Q. Do you have anything that you
18 would like to add that may be
19 relevant to the investigation at this
20 point?

21 A. No, sir, not that's relevant
22 to the investigation.

23 MR. SWENTOSKY:

24 On behalf of MSHA, I
25 would like to thank you for

1 appearing and answering the
2 questions today. Your
3 cooperation is very important
4 to the investigation as we
5 work to determine the cause of
6 the accident. We ask that you
7 not discuss your testimony
8 with any person who may have
9 already been interviewed or
10 who may be interviewed in the
11 future. This will ensure that
12 we obtain everyone's
13 independent recollection of
14 the events surrounding the
15 accident.

16 After questioning other
17 witnesses, we may call you if
18 we have any follow-up
19 questions that we feel that we
20 need to ask. If at any time
21 you have additional
22 information regarding the
23 accident that you would like
24 to provide to us, please
25 contact us at the contact

1 information that was
2 previously provided to you.
3 And that was the business
4 cards with the investigators'
5 names.

6 The Mine Act provides
7 certain protections to miners
8 who provide information to
9 MSAH, and as a result are
10 treated adversely. If at any
11 time you believe that you have
12 been treated unfairly because
13 of your cooperation in this
14 investigation, you should
15 immediately notify MSHA.

16 If you wish, you may
17 now go back over any answer
18 you have given during this
19 interview and you may also
20 make any statement that you
21 would like to make at this
22 time.

23 A. I don't have anything to say.

24 MR. SWENTOSKY:

25 And, again, we thank

1 you for your cooperation in
2 this matter. Thanks, Carl.

3 * * * * *

4 SWORN STATEMENT

5 CONCLUDED AT 2:56 P.M.

6 * * * * *

Scale: 1" = 50'

